CHARTER

OF

The City of Charleston

WEST VIRGINIA

AS AMENDED BY LEGISLATURE OF 1919

AN ACT to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts and known as the "Charter of the City of Charleston," and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, ninety-nine, one hundred, one hundred and one and one hundred and two, all relating to and becoming a part of the charter of the city of Charleston.

TRIBUNE PRINTING CO., CHARLESTON, W. VA.
1919

352.0754
C38c
1919

REMOTE STORAGE

BOOKSTACKS OFFICE

RULES

OF THE

Council of the City of Charleston

Rule 1. The Council shall meet in regular public session at the council chamber in the City Building, at the hour of 8 o'clock, P. M., on the first and third Mondays of each month. Special meetings may be called as provided in the City Charter.

Rule 2. The Mayor, or President Pro Tem. of the Council, as the case may be, having assumed the chair and a quorum being present, the journal of the proceedings of the previous meeting shall be read to the end that any alterations or corrections may be submitted and entered of record.

Rule 3. The Chief of Police shall attend all meetings of the Council in the capacity of Sergeant-at-Arms; he shall, under directions of the presiding officer, aid in the enforcement of good order and decorum, together with all process as shall issue under authority of council.

Rule 4. The presiding officer of the Council may call a member to the chair, who shall exercise its functions for the time being. Any number of the council, less than a quorum, which may meet at any regular or special session, may compel the attendance of absent members of the Council.

Rule 5. The Council shall have nine standing committees, which shall be designated as follows: Committee on Rules, Committee on Public Safety, Committee on Police, Committee on Finance, Committee on Streets, Committee on Claims, Committee on Water Works, Committee on Ordinances and Committee on Cemetery. All Committees to consist of five members except Committee on Claims, Committee on Ordinance and Commitee on Cemetery. The Committees on Public Safety, Police, Finance, Streets and Water Works to be appointed by resolution of Council; the Committees on Rules, Claims, Ordinances and Cemetery to be appointed by the Mayor.

Rule 6. When an ordinance is offered, the City Clerk shall present and read the same in full, and the same may be approved, ratified, amended or rejected by a roll call vote as provided by law.

Rule 7. The rules of parliamentary statute comprised in "Robert's Rules of Order, by Col. Henry M. Roberts," shall govern the Council in all cases not provided for by the rules of Council and the City Charter. In any case not governed by the said manual or the said rules, the city shall be governed by the practice in the House of Delegates of the State of West Virginia.

Rule 8. The City Clerk shall be the Clerk and the custodian of all records and papers of the Council.

Rule 9. All records of the Council shall be authenticated by the signature of the Mayor, attested by the signature of the City Clerk.

Rule 10. All motions and resolutions, if desired by the presiding officer, or any member, shall be reduced to writing and shall be read by the City Clerk before the same shall be debated.

Rule 11. If the previous question be demanded by not less than three members, the presiding officer shall, without debate, put the question: "Shall the main question be now put?" If this question be decided in the affirmative, all further debate shall cease and the vote be at once taken on the proposition pending before the Council. When the Council refuses to order the main question, the consideration of the subject shall be resumed as if the previous question had not been demanded.

Rule 12. No question shall be debated until it has been propounded by the Chair; and then the mover shall have the right to explain his view in preference to any other member.

Rule 13. When two or more members arise at the same time, the Chair shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

Rule 14. No one shall disturb or interrupt a member who is speaking, without his permission, except to call to order, if he be transgressing the rules.

Rule 15. No member shall speak more than twice to the same question, nor more than five minutes without leave of the Council.

Rule 16. No standing rule or order of the Council shall be rescinded, suspended or changed except by a majority vote of the members elected to Council.

Rule 16-*a*. If any amendments are made to any proposed ordinance at the meeting at which it is taken up for consideration and final action, such ordinance shall not be passed at the same meeting at which it is so considered; provided, further, however, that after all parts and sections of such ordinance shall have been considered and any amendments to such ordinance, no further amendments thereto shall be made at any subsequent meeting, except by unanimous consent of all members of Council present at such subsequent meeting.

Rule 16-*b*. All ordinances introduced in Council shall be typewritten on one side only of plain white paper.

Rule 17. The order of business for each meeting shall be:

1. Roll call.
2. To read, correct and approve the minutes of previous meetings.
3. To receive and dispose of communications.
4. To receive resolutions and petitions.
5. To receive reports of standing committees and other officers.
6. To receive reports of special committees.
7. Ordinances introduced and referred to appropriate committees.
8. Unfinished and miscellaneous business.
9. Roll call and adjournment.

CHARLESTON CHARTER

Amended by Act of Legislature, Session of 1915; as Amended Session of 1919. In Effect From Passage.

Be it enacted by the Legislature of West Virginia:

That chapter two of the acts of the legislature of West Virginia, session one thousand nine hundred and nine, as amended by chapter eighty-four of the acts of one thousand nine hundred and eleven, granting a charter to the city of Charleston, and amending the same, be and the same is hereby amended and re-enacted, so as to read as follows:

The City of Charleston.

Section 1. The inhabitants of all that part of the county of Kanawha included and centered within the limits hereinafter prescribed in section two are hereby made a city corporate and body politic by the name of "The City of Charleston," and as such city it shall have perpetual succession and a common seal, and by that name it may sue and be sued, plead and be impleaded, and may purchase, hold, lease or sell real estate and personal property necessary to the discharge of its corporate duties, or needful or convenient for the good order, government and welfare of said corporation.

Corporation Limits.

Sec. 2. The corporate territorial limits of the city of Charleston shall comprise all that part of the territory of the magisterial districts of Charleston and Loudon in the county of Kanawha and State of West Virginia, which is bounded and described as follows, to-wit: Beginning at the lower or west property line of Patrick street at its intersection of the Kanawha river at low water mark, in Charleston district; thence following the property lines on the west side of said street northeast to a point on the northeast side of the Charleston and Point Pleasant Turnpike, common corner to Littlepage and Gardner lands; thence with the line dividing the land of Littlepage and Gardner up the hill six hundred feet from the northeast side of Charleston and Point Pleasant Turnpike to a stake; thence with a

straight line in an easterly direction to a stake at the extreme northern end of Carr street; thence with a straight line in an easterly direction to Magazine Road, or Magazine Branch, at a point on the southeastern corner of a lot belonging to W. A. Hoffman; thence with a line of same across Magazine Road up the hill fifty feet to a stake; thence in a southerly direction parallel with Magazine Road fifty feet from the east side of said road to a point within two hundred feet of the Crescent Road; thence in a line two hundred feet distant and parallel with the Crescent Road to Gill Hollow; thence with the Gill Hollow with a line extended across the Elk river to low water mark on the east side thereof; thence down said Elk river at low water mark to a point in the center of Coal Branch; thence in a line up the hill to the rear of the Capitol Hill property, as shown on the map of same and recorded in the office of the clerk of the county court of Kanawha county; thence with a line so as to include that part of Spring Hill cemetery now under fence and with the old Scruggs' line to the line of the Wall's property; thence by a line to a point in Ruffner Hollow two hundred feet from Piedmont Road; thence in an easterly direction parallel with the Piedmont Road and two hundred feet northeast of same to the center of the branch in Wilson's Hollow on the center line of the culvert under the Kanawha and Michigan railroad, extending thence with the said center line of said culvert extended to low water mark in the Kanawha river; thence with a low water mark of Kanawha river to a point opposite Porter's Hollow; thence across said river to the mouth of said hollow in Loudon district; thence up Porter's Hollow south 53 degrees 30 minutes west 427.6 feet; south 47 degrees west 200 feet; north 73 degrees west 215 feet; south 84 degrees 30 minutes west 490 feet; south 47 degrees west 475 feet; south 23 degrees 30 minutes west 500 feet; south 49 degrees 9 minutes west 185 feet; 23 degrees 30 minutes west 165 feet; south 56 degrees west 200 feet; south 75 degrees 30 minutes west 230 feet; north 59 degrees 30 minutes west 322 feet; north 78 degrees .09 minutes west 151 feet; north 89 degrees 30 minutes west 174.9 feet; north 69 degrees 45 minutes west 416 feet; north 74 degrees west 1005 feet; north 85 degrees west 340 feet; south 88 degrees west 510 feet; south 44 degrees 30 minutes west 279 feet; south 50 degrees west 260 feet; thence leaving Porter's Hollow north 70 degrees west 307½ feet; north 47 degrees west 94½ feet; thence with the line of lands of South Side Improvement Company and James Pauline north 33 degrees 30 minutes west 180 feet to the corner of said James Pauline's fence; thence north 35 degrees 30 minutes east 565 feet;

north 36 degrees west 495 feet; north 4 degrees west 225 feet; north 75 degrees west 275 feet; thence with the meanders of the eastern side of the main county road north 18 degrees east 175 feet; thence leaving said road north 71 degrees 30 minutes west 649 feet; south 71 degrees 30 minutes west 138 feet; south 64 degrees 30 minutes west 200 feet, to the line on the properties of the South Side Improvement Company and Augustus Pauline, to the corner of said Pauline's fence; north 68 degrees 30 minutes west 234 feet; north 34 degrees 20 minutes west 180 feet; north 81 degrees west 130 feet, north 29 degrees 30 minutes west 195 feet; north 21 degrees west 130 feet; north 8 degrees 15 minutes east 660 feet; north 7 degrees west 264 2-5 feet; north 1 degree 30 minutes west 215 feet; north 15 degrees west 140 feet; north 7 degrees 30 minutes east 194.1 feet; north 29 degrees east 370 feet; north 31 degrees east 349.7 feet; north 18 degrees west 390 feet; north 37 degrees 30 minutes west 280 feet; north 40 degrees 30 minutes west 200 feet; north 30 degrees 30 minutes east 315 feet; north 1 degree 30 minutes east 294 feet; north 50 degrees 34 minutes east 200 feet; north 41 degrees east 781 feet; north 79 degrees east 400 feet; north 1 degree 30 minutes west 810 feet to low water mark on the said Kanawha river, at the mouth of Ferry Branch; thence down the Kanawha river at low water mark on the south side of said river to a point opposite the lower or west line of said Patrick street; thence across the Kanawha river to a point opposite said line of Patrick street at low water mark on the north side of said river, to the place of beginning.

Boundaries of Wards.

Sec. 3. The said city shall be divided into fifteen (15) wards, the boundaries of which shall be as follows:

First Ward: The First Ward shall include the following territory: Beginning at low water mark on the Kanawha river at the end of Florida street; thence with Florida street to Charleston street, and in a continuous straight line to the corporation line on the north; thence with the corporation line to Patrick street, and with Patrick street to the Kanawha river, and with the Kanawha river to the end of Florida street, the place of beginning.

Second Ward: The Second Ward shall include the following territory: Beginning at the low water mark at the end of Florida street; thence with the Kanawha river to the end of Park

avenue extended; thence with Park avenue to the corporation line; thence with the corporation line to the northeastern corner of the First Ward; thence with the eastern line of Ward One in a straight line with Florida street, to the low water mark in Kanawha river to place of beginning.

Third Ward: The Third Ward shall include the following territory: Beginning at the low water mark in the Kanawha river at the end of Park avenue extended; thence with the Kanawha river to Delaware avenue; thence with Delaware avenue to the Kanawha & Michigan railway; thence with the Kanawha & Michigan railway to Charleston street; thence with Charleston street to Carr street; thence with Carr street to the corporation lines on the north; thence with the corporation lines to the northeastern corner of Ward Two; thence following the eastern line of Ward Two to low water mark in Kanawha river, the place of beginning.

Fourth Ward: The Fourth Ward shall include the following territory: Beginning at the low water mark in Kanawha river at the end of Delaware avenue; thence with Kanawha river to the mouth of Elk river, and up Elk river to Lovell street bridge and Charleston street; thence with Charleston street to Pennsylvania avenue; thence with Pennsylvania avenue to Roane street; thence with Roane street to Delaware avenue; thence with Delaware avenue to the low water mark in Kanawha river, to place of beginning.

Fifth Ward: The Fifth Ward shall include the following territory: Beginning at the low water mark in Elk river at Lovell street bridge; thence with Elk river to the Kanawha & Michigan railway; thence with the Kanawha & Michigan railway to Pine street; thence with Pine street to the corporation line on the north; thence with the corporation line to the head of Carr street; thence with Carr street to Charleston street; thence with Charleston street to the Kanawha & Michigan railway; thence with the Kanawha & Michigan railway to Delaware avenue; thence with Delaware avenue to Roane street; thence with Roane street to Pennsylvania avenue; thence with Pennsylvania avenue to Charleston street; thence with Charleston street to low water mark in Elk river, the place of beginning.

Sixth Ward: The Sixth Ward shall include the following territory: Beginning at the low water mark in Elk river at the Kanawha & Michigan bridge; thence with the Elk river to Gill

Hollow; thence following the corporation lines to the northeastern corner of Ward Five; thence with Pine street to Kanawha & Michigan railway; thence with the Kanawha & Michigan railway to the low water mark in Elk river at the Kanawha & Michigan railway bridge, the place of beginning.

Seventh Ward: The Seventh Ward shall include the following territory: Beginning at the low water mark in Elk river at Lovell street bridge; thence with Lovell street to Truslow street; thence with Truslow street to Margaret street; thence with Margaret street to Donnally street, and the intersection of Young street; thence with Young street in a continuous straight line to the corporation limits on the north; thence with the corporation line to Elk river; thence with Elk river to the low water mark at Lovell street bridge, the place of beginning.

Eighth Ward: The Eighth Ward shall include the following territory: Beginning at the intersection of Lovell and Truslow streets; thence with Truslow street to State street; thence with State street to Capitol street; thence with Capitol street to Smith street, and continuing in a straight line to the corporation line on the north; thence with the corporation line to the northeastern corner of Ward Seven; thence in a straight line with Young street to Donnally street; at its intersection with Margaret street; thence with Margaret street to Truslow street; thence with Truslow street to Lovell street, the place of beginning.

Ninth Ward: The Ninth Ward shall include the following territory: Beginning at the low water mark in Elk river and Lovell street bridge; thence with Elk river to the Kanawha river; thence with Kanawha river to the low water mark at the end of Capitol street; thence with Capitol street to State street; thence with State street to Truslow street; thence with Truslow street to Lovell street; thence with Lovell street to the low water mark in Elk river, at Lovell street bridge, the place of beginning.

Tenth Ward: The Tenth Ward shall include the following territory: Beginning at the low water mark in Kanawha river at the end of Capitol street; thence with Kanawha river to the low water mark at the end of Ruffner avenue; thence with Ruffner avenue to its intersection with Lee street; thence with Lee street to its intersection with Capitol street; thence with Capitol street to the low water mark in Kanawha river, the place of beginning.

Eleventh Ward: The Eleventh Ward shall include the follow-

ing territory: Beginning at the intersection of Lee street and Capitol street; thence with Capitol street to its intersection with Smith and Dryden streets, and in a continuous straight line in the corporate limits on the north; thence with the corporation limits in an easterly direction, to a point reached by a straight line running with Brooks street; thence in a straight line running to and with Brooks street to the intersection of Brooks and Lee streets; thence with Lee street to Capitol street, the place of beginning.

Twelfth Ward: The Twelfth Ward shall include the following territory: Beginning at the intersection of Lee and Brooks streets; thence with Lee street to Beauregard street; thence with Beauregard street, and in a straight line to the corporation limits to the north; thence with the corporation limits to the northeastern corner of Ward Eleven; thence with the eastern line of Ward Eleven, in a straight line, and with Brooks street, to the intersection of Lee and Brooks streets, the place of beginning.

Thirteenth Ward: The Thirteenth Ward shall include the following territory: Beginning at the intersection of Beauregard and Lee streets; thence with Lee street to Elizabeth street; thence with Elizabeth street to Piedmont road, and in a continuous straight line to the corporation limits on the north; thence with the corporation line to the northeastern corner of Ward Twelve; thence in a straight line to and running with Beauregard street, to the intersection of Lee and Beauregard streets, the place of beginning.

Fourteenth Ward: The Fourteenth Ward shall include the following territory: Beginning at the intersection of Ruffner avenue and Lee street; thence with Ruffner avenue to low water mark in Kanawha river, at the end of Ruffner avenue; thence with Kanawha river to the corporation line on the east at Wilson Hollow; thence with Wilson Hollow to the corporation line on the north; thence with the northern corporation line to the northeastern corner of Ward Thirteen; thence in a straight line to and running with Elizabeth street, to Lee street; thence with Lee street to Ruffner avenue, the place of beginning.

Fifteenth Ward: The Fifteenth Ward shall include all of the territory in the limits of the city south of said low water mark on the north side of Kanawha river.

Voting Precincts.

The said city shall be divided into twenty-nine (29) voting precincts, the boundaries of which shall be as follows:

PRECINCT No. 1. *Precinct one shall include all the territory in ward one lying north of the Kanawha & Michigan railway.*

PRECINCT No. 2. *Precinct two shall include all the territory in ward one lying south of the Kanawha & Michigan railway.*

PRECINCT No. 3. *Precinct three shall include all the territory in ward two lying north of the Kanawha & Michigan railway.*

PRECINCT No. 4. *Precinct four shall include all the territory in ward two lying south of the Kanawha & Michigan railway.*

PRECINCT No. 5. *Precinct five shall include all the territory in ward three lying north of Virginia street.*

PRECINCT No. 6. *Precinct six shall include all the territory in ward three lying south of Virginia street.*

PRECINCT No. 7. *Precinct seven shall include all the territory in ward four lying north of Randolph street.*

PRECINCT No. 8. *Precinct eight shall include all the territory in ward four lying south of Randolph street.*

PRECINCT No. 9. *Precinct nine shall include all the territory in ward five lying south of Birch street and Kanawha & Michigan railway.*

PRECINCT No. 10. *Precinct ten shall include all the territory in ward five lying north of Birch street and Kanawha & Michigan railway.*

PRECINCT No. 11. *Precinct eleven shall include all the territory in ward six lying west of Magazine Branch.*

PRECINCT No. 12. *Precinct twelve shall include all the territory in ward six east of Magazine Branch.*

PRECINCT No. 13. *Precinct thirteen shall include all the territory in ward seven south of North Rand street.*

PRECINCT No. 14. *Precinct fourteen shall include all the territory in ward seven lying north of North Rand street.*

PRECINCT No. 15. *Precinct fifteen shall include all the territory in ward eight lying south of North Rand street.*

PRECINCT No. 16. *Precinct sixteen shall include all the territory in ward eight lying north of North Rand street.*

PRECINCT No. 17. *Precinct seventeen shall include all the territory in ward nine lying west of Truslow street.*

PRECINCT NO. 18. *Precinct eighteen shall include all the territory in ward nine lying east of Truslow street.*

PRECINCT NO. 19. *Precinct nineteen shall include all the territory in ward ten lying west of Brooks street.*

PRECINCT NO. 20. *Precinct twenty shall include all the territory in ward ten lying east of Brooks street.*

PRECINCT NO. 21. *Precinct twenty-one shall include all the territory in ward eleven lying west of Broad street.*

PRECINCT NO. 22. *Precinct twenty-two shall include all the territory in ward eleven lying east of Broad street.*

PRECINCT NO. 23. *Precinct twenty-three shall include all the territory in ward twelve lying west of Morris street.*

PRECINCT NO. 24. *Precinct twenty-four shall include all the territory in ward twelve lying east of Morris street.*

PRECINCT NO. 25. *Precinct twenty-five shall include all the territory in ward thirteen lying west of Thompson street and a continuous straight line to corporate line on north.*

PRECINCT NO. 26. *Precinct twenty-six shall include all the territory in ward thirteen lying east of Thompson street and a continuous straight line from the end thereof to the corporate line on the north.*

PRECINCT NO. 27. *Precinct twenty-seven shall include all the territory in ward fourteen lying west of Kentucky street.*

PRECINCT NO. 28. *Precinct twenty-eight shall include all the territory in ward fourteen lying east of Kentucky street.*

PRECINCT NO. 29. *Precinct twenty-nine shall include all the territory in ward fifteen.*

The council shall by resolution entered of record fix the voting places in each of said election precincts.

Municipal Authorities.

Sec. 4. The municipal authorities of the city of Charleston shall consist of a mayor, city treasurer, police judge and twenty councilmen, who shall be elected by the qualified voters of such city, and such officers shall, for the assessment year preceding their respective elections as hereinafter provided, hove been assessed with and paid taxes in the city of Charleston upon a valuation of at least one hundred dollars worth of real estate or personal property therein, and any person elected to any one of such offices who has not been assessed with and paid taxes on such amount of property shall not qualify or enter upon the

performance of the duties thereof, but such office shall thereby become vacant and shall be filled by a qualified person as provided herein for other vacancies.

Sec. 5. In addition to the municipal authorities mentioned in section four of this act, the city shall have a manager, city clerk, city auditor, collector, chief of police, city solicitor, chief of fire department, engineer, health commissioner, building inspector, lockup keeper, humane officer or officers, and such number of policemen as council by ordinance may direct. All the officers named in this and the preceding sections shall be paid proper salaries which shall be fixed by the council, except as herein otherwise provided, and such salaries shall be within the limits provided for by this act.

Corporate Powers.

Sec. 6. All the corporate power of said city shall be vested in and exercised by council or under its authority, except as otherwise provided in this act.

Sec. 7. The council of said city shall have, and is hereby granted power to have said city surveyed, to lay out, open, vacate, straighten, broaden, change grade of, grade, re-grade, curb, widen, narrow, repair, pave and re-pave streets, alleys, roads, squares, plots, sidewalks and gutters for public use, and to alter, improve, embellish and ornament and light the same, and to construct and maintain public sewers and laterals, and shall, in all cases, have power and authority to assess upon and collect from the property benefitted thereby, such part of the expense thereof as shall be fixed by ordinance, except as hereinafter provided; to have control of all streets, avenues, roads, alleys and grounds for public use in said city, and to regulate the use thereof and driving thereon, and to have the same kept free from obstruction, pollution or litter on or over them; to have the right to control all bridges within said city, and the traffic thereover; to change the name of any street, avenue or road within said city, and regulate and cause the numbering and re-numbering of houses on any street, avenue or road therein; to regulate the naming of streets, avenues and public places; to regulate and determine the width of streets, sidewalks, roads and alleys; to order and direct the curbing; re-curbing, paving, repaving and repairing of sidewalks and footways for public use in said city to be done and kept clean and in good order by the owners of adjacent property; to enter into a contract with the county

of Kanawha, or any internal improvement company for the joint ownership of any bridge by the city and such county or company, upon such terms as may be prescribed in the contract, but such bridges shall be a public highway and the interest of the company, county and city shall be only such proportionate part thereof as it may pay for or that may be named in the contract; to prohibit and punish the abuse of animals; to restrain and punish vagrants, mendicants, beggars, tramps, prostitutes, drunken or disorderly persons within the city, and to provide for their arrest and manner of punishment; to prohibit and punish by fine the bringing into the city by steamboats, railroads or other carriers, of paupers, dangerous or objectionable characters or persons afflicted with contagious diseases; to control and suppress disorderly houses of prostitution or ill-fame, houses of assignation, and gaming houses or any part thereof, to punish those engaged in gaming and to suppress all gaming or gambling houses, and all places where gambling or betting is in any way carried on or permitted and to punish all persons in any way connected therewith; to prohibit within the city, or within two miles thereof, slaughter houses, soap or glue factories, and houses and places of like kind, and any other thing or business dangerous, unwholesome, unhealthy, offensive, indecent or dangerous to life, health, peace or property; to provide for the entry into and the examination of all dwellings, lots, yards, enclosures, buildings and structures, cars, boats and vehicles of every description, and to ascertain their condition for health, cleanliness or safety; to regulate the building and maintenance of party walls, partition fences or lines, fire walls, fire places, chimneys, boilers, smoke stacks and stove pipes; to provide for and regulate the safe construction, inspection and repairs of all public and private buildings, bridges, basements, culverts, sewers, or other buildings or structures of any description; to take down and remove, or make safe and secure, any and all buildings, walls, structures or super-structures at the expense of the owners thereof, that are or may become dangerous, or to require the owners or their agents to take down and remove them or put them in a safe and sound condition at their own expense; to regulate, restrain or prohibit the erection of wooden or other buildings within the city; to regulate the height, construction and inspection of all new buildings hereafter erected, and the alteration and repair of any buildings already erected or hereafter erected in said city, and to require permits to be obtained for such buildings and structures, and plans and specifications thereof to be first submitted to the building inspector; to regulate the limit within which it shall be lawful to erect any steps, porti-

cos, bay windows, bow windows, show windows, awnings, signs, columns, piers or other protection or structural ornaments of any kind for the houses or buildings fronting on any street of said city; to establish fire limits and to provide the kind of buildings and structures that may be erected therein, and to enforce all needful rules and regulations to guard against fire and danger therefrom; to require, regulate and control the construction of fire escapes for any building or other structures in said city, to control the opening and construction of ditches, drains, sewers, cess-pools, and gutters, and to deepen, widen and clear the same of stagnant water or filth, and to prevent obstruction therein, and to fill, close or abolish the same and to determine at whose expense the same shall be done; and to build and maintain fire station houses, crematories, jails, lockups, and other buildings, police stations and police courts, and to regulate the management thereof; to acquire, establish, lay off, appropriate, regulate, maintain and control public grounds, squares and parks, hospitals, market houses, city buildings, libraries and other educational or charitable institutions, either within or without the city limits, and when the council determines that any real estate in or out of the city is necessary to be acquired by said city for any such purpose, or for any public purpose, or is necessary in the exercise of its powers herein granted, the power of eminent domain is hereby conferred upon said city, and it shall have the right to institute condemnation proceedings against the owner thereof, whether said property be in or out of said city, in the same manner, to the same extent, and upon the same conditions as such power is conferred upon public corporation by chapter forty-two of the code of West Virginia of the edition of 1906, and is now or may be hereafter amended; to purchase, sell, lease or contract for and take care of all public buildings and structures and real estate deemed proper for the use of such city; and for the protection of the public to cause the removal of unsafe walls, structures or buildings, and the filling of excavations; to prevent injury or annoyance to the business of individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated all nuisances and to that end and thereabout to summon witnesses and hear testimony; to regulate or prohibit the keeping of gunpowder and other combustible or dangerous articles; to regulate, restrain or prohibit the use of firecrackers or other explosives or fireworks, and all noises or performances which may be dangerous, indecent or annoying to persons or tend to frighten horses or other animals; to provide and maintain proper places for the burial of the dead, in or out of the city, and to regulate interments therein

upon such terms and conditions as to price and otherwise as may be determined; to provide for shade and ornamental trees, shrubbery, grass, flowers and other ornamentation, and the protection of the same; to provide for the poor of the city; to make suitable and proper regulations in regard to the use of the streets, public places, sidewalks and alleys by street cars, foot passengers, animals, vehicles, motors, automobiles, traction engines, railroad engines and cars, and to regulate the running and operation of the same so as to prevent obstruction thereon, encroachment thereto, injury, inconvenience or annoyance to the public; to prohibit prize fighting, cock and dog fighting; to license, tax regulate or prohibit theaters, moving pictures, circuses and exhibition of showmen and shows of any kind, and the exhibition of natural or artificial curiosities, carnivals, menageries and musical exhibitions and performances, and other things or business on which the state does or may exact a license tax; to organize and maintain fire companies and departments, and to provide necessary apparatus, engines and implements for the same, and to regulate all matters pertaining to the prevention and extinguishment of fires; to make proper regulations for guarding against danger and damage from fires, water or other elements; to regulate and control the kind and manner of plumbing and electric wiring, air ships, balloons, wireless stations, and other appliances for the protection of the health and safety of said city; to levy taxes on persons, property and licenses; to license and tax dogs and other animals, and regulate, restrain and prohibit them and all other animals and fowls running at large; to provide revenue for the city and appropriate the same to its expenses; to adopt rules for the transaction of business of its own regulation and government; to promote the general welfare of the city, and to protect the persons and property of citizens therein; to regulate and provide for the weighing of produce and other articles sold in said city and to regulate the transportation thereof and other things, through the streets, allays and public places; to have the right to grant, refuse or revoke any and all licenses for the carrying on of any business within said city on which the state exacts a license tax; to establish and regulate markets and to prescribe the time for holding the same, and what shall be sold in such market, and to let stalls or apartments and regulate the same; to acquire and hold property for market purposes; to regulate the placing of signs, bill boards, posters and advertising, on or over the streets, alleys, sidewalks and public grounds of said city; to preserve and protect the peace, order and safety and health of the city and its inhabitants, including the right to regulate the sale and use of cocaine, morphine, opium and

poisonous or dangerous drugs; to appoint and fix the place of holding city elections; to erect, own lease, authorize or prohibit the erection of gas works, electric light works or water works, ferry boats, in or near the city, and to operate the same, and to sell the product or services thereon and to do any and all things necessary and incidental to the conduct of such business; to build, hold, purchase, own and operate toll bridges; to provide for the purity of water, milk, meats and provisions offered for sale in said city, and to that end provide for a system of inspecting the same and making and enforcing rules for the regulation of their sale, and to prohibit the sale of any unwholesome or tainted milk, meats, fish, fruit, vegetables, or the sale of milk, containing water or other things not constituting a part of pure milk; to provide for inspecting dairies and slaughter houses, whether in or outside of the city, where the milk and meat therefrom are offered for sale within said city, and to prohibit the sale of any article deemed unwholesome, and to condemn the same or destroy or abate it as a nuisance; to provide for the regulation of public processions so as to prevent interference with public traffic, and to promote the good order of the city; to prescribe and enforce ordinances and rules for the purpose of protecting the health, property, lives, decency, morality, cleanliness and good order of the city and its inhabitants, and to protect places of divine worship in and about the premises where held, and to punish violations of all ordinances, if the offense under and against the same shall also constitute offenses under the laws of the state of West Virginia or the common law; to provide for the employment and safe keeping of persons who may be committed in default of the payment of fines, penalties, or costs under this act, who are otherwise unable to discharge the same, by putting them to work for the benefit of the city upon the streets or other places in or out of the city provided by said city, and to use such means to prevent their escape while at work as the council may deem expedient; and the council may fix a reasonable rate per day as wages to be allowed such persons until the fine and costs against him are thereby discharged; to compel the attendance at public meetings of the members of the council; to have and exercise such additional rights, privileges and powers as are granted to municipalities by chapter forty-seven of the code of West Virginia, as amended.

For all such purposes, except that of taxation and for purposes otherwise limited by this act, the council shall have jurisdiction, when

necessary, for one mile beyond the corporation within said one mile limit.

And the council shall have the right to establish, construct and maintain public markets, landings, ferries, wharves and docks on any ground which does or shall belong to said city, or which it shall acquire, by purchase or otherwise, and to sell, lease, repair, alter or remove any public markets, landings, ferries, wharves, dikes, buildings or docks, which have been or shall be so constructed, and to levy and collect reasonable duty on vessels and other craft coming to or using said landings, ferries, wharves, dikes, docks and buildings, and to preserve and protect the peace and good order at the same, and regulate the manner in which they shall be used; and to have the sole right, under state laws and in the same manner as now control county courts, to establish, construct, maintain, regulate and control all such wharves, docks, ferries and landings within the corporate limits of said city.

To carry into effect these enumerated powers and all other powers conferred upon said city expressly or by implication in this and other acts of the legislature, the council of said city shall have the power, in the manner herein prescribed, to adopt and enforce all needful orders, rules and ordinances not contrary to the laws and constitution of this state; and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment in the city lock-up, jail, or station house, and to work prisoners found guilty, as the council may prescribe, and market the products of such labor, and with the consent of the county court of Kanawha county entered of record, shall have the right to use the jail of said county for any purpose necessary to the administration of its affairs.

Registration and Qualification of Voters.

Sec. 8. Every person qualified by law to vote for members of the legislature of this state (and who shall have been a resident of said city for sixty days preceding the day of election, of the ward in which he offers to vote at least ten days preceding such day and a *bona fide* resident of the election precinct in which he offers to vote) shall be entitled to vote at all elections held in said city by or under the authority and control thereof.

Registration of Voters.

Sec. 9. For the election to be held hereunder on the third Monday in April, one thousand nine hundred and nineteen, there

shall be made a registration of all the voters in all the election precincts in said city as fixed by this act. The city council shall hold a regular or special session on the first Monday in March, next, before said election and shall appoint for each voting precinct as fixed by this act two competent persons as registrars, one each from the two political parties which at the last preceding election cast the highest number of votes in the city of Charleston, but the executive committee of such political parties may present to the council a writing signed by the chairman of the committee of each party requesting the appointment of a qualified voter of his political party as registrar with his city address for each precinct in the city and the council shall appoint the person in such writing as such registrar. No person shall be eligible to appointment as registrar, or in any way act as such. who has been convicted of a felony, or who holds any elective or appointive office or is an employee under the laws of the state of West Virginia or of the United States or who is not a qualified voter in the precinct for which he is appointed, or who can not read and write the English language. If such registrar shall fail or refuse to serve, the vacancy shall be filled either by the city council, or the mayor of the city in vacation, in the manner hereinbefore provided for the appointment of registrars, and the city clerk shall notify all such persons of their appointment as registrars. Said registrars shall before entering upon the discharge of their duties take an oath to support the constitution of the United States, the constitution of West Virginia, and to perform the duties of their office to the best of their ability and that they are legal members of the party for which they are, respectively, appointed. The said oath shall be filed in the office of the city clerk.

The city clerk shall cause to be prepared suitable books and blanks for the registration of the voters and such books shall be so arranged as require by law for the registration of voters for general elections held in the state of West Virginia and all the provisions, duties and obligations of chapter _____ of the acts of the special session of the legislature held in the month of November, one thousand nine hundred and sixteen, shall apply to the registration of voters hereunder, except as herein otherwise set out, and the city council shall perform the duties required in said chapter of the county court, and the city clerk shall perform the duties required of the county clerk.

The said registrars shall meet on the Thursday following the first Monday in March, one thousand nine hundred and nineteen, and proceed to register the names of all qualified voters in their respective precincts in the manner required by said chapter ---------- of the acts of said special session.

Said registrars shall complete said registration on or before the fourth Monday in March, one thousand nine hundred and nineteen, and, for the purpose of amending, correcting and completing said registration, shall sit together at some convenient place within the voting precinct for two days, commencing the first Monday in April, one thousand nine hundred and nineteen, from nine o'clock A. M. *to one o'clock* P. M *and from two o'clock* P. M. *to nine o'clock* P. M., *and shall give notice of the time and place of their sitting for such registration and correction by posting written or printed notices of the time and place of such sitting for five days prior thereto at not less than three of the most conspicuous places in said voting precinct, one of which shall be at the place of voting in said precinct. At the time of said sitting the books of registration shall be open for public inspection, and the said registrars, in the manner hereinbefore provided shall register all qualified voters who have not theretofore been so registered by them and complete and finish their registration of the voters within their said precinct and make out two alphabetical lists of the registered voters within said precinct entitled to vote at the ensuing election as registered by them and shall sign and return the same to the city clerk on or before the second Monday in April, one thousand nine hundred and nineteen. The registration books shall be sent to the polling places along with the ballots, and no person who is not duly registered thereon shall be allowed to vote at said election.*

The commissioners of election shall return said books to the city clerk with the poll books, and the same shall be carefully preserved by the city clerk in his office.

If the county court of Kanawha county shall adopt the lines of the precincts as in this act set out as voting places for state and county officers before another city election is held, then the registration of voters made under the general law concerning registration of voters shall be the registration of voters for all city general elections, with such additions as herein provided for, and it shall not be necessary to have a special registration of voters for any special election, but the preceding registration of

voters for the regular municipal election, with such additions herein provided for, shall be the proper registration for such special election. The voting precincts in the several wards for all city elections shall be the same as to boundaries as those fixed by the county court for all state and county elections so long as they are confined to the boundaries of the wards as they now are. The council shall elect two persons, one being a member of each of the two leading political parties in said city, having all the qualifications of commissioners of election under chapter three of the code of West Virginia, as city registrars. They shall take the same oath as other officers of the city take and shall be paid such compensation as the council may fix by ordinance, and their term of office shall be a period of two years. They shall sit in the office of the city clerk on five separate days, being the last four Saturdays and the last Monday preceding any regular or special election of said city for the purpose of registering voters who shall not have been already registered in the various precincts, and for issuing transfers to any voter who has moved from one precinct to another, and for striking off the name of any voter from the registration books when it shall be shown by the affidavits of two persons that he is no longer a voter in said city, and they shall strike off from such registration books the names of any person known by or proved to them to be dead. It shall be the duty of the city clerk to make or have made copies of the registration books on file in the office of the clerk of the county court of Kanawha county at least sixty days before any regular city election, and such copies, with such additions and changes as may be made by the city registrars, shall be used for all special elections that may be held between said regular elections as well as the regular elections. Notice of the time and place of sittings of said city registrars shall be given by the publication thereof by the city clerk in two newspapers of opposite politics printed and circulated in said city, once a week for six successive weeks before any election, if there is a sufficient space of time for such purpose, and, if not, then for such time as there may be before such election.

Before the registrars shall register the name of any person as a qualified voter they must be satisfied of his qualifications and shall have the right and power to require of such persons all the things that may be required of him by the registrars under the state law, and such registrars shall, as to the qualifications of

persons to vote, be governed by the state laws on such subject in existence at the time of such registration.

The county clerk of Kanawha county shall carefully preserve in his office the registration books of each general election for all the precincts of the city of Charleston and shall permit copies to be made of such registration books by any proper officer of the city of Charleston.

Sec. 10. Candidates to be voted for at any municipal election may be nominated by convention, or primary election, as may be decided by the executive committees of any of the parties recognized by law in said city, and candidates may be nominated by petition in the manner provided by chapter three of the code of West Virginia. Each of the political parties having the right to make a nomination under the election laws of West Virginia shall give notice of the manner of such nomination by publication thereof in some daily newspaper printed in the city of Charleston for ten days prior to the date of such convention or primary election.

Sec. 11. On the first Monday in April, one thousand nine hundred and nineteen, and on the second Monday preceding any city election held under the provisions of this act, the city council shall appoint two commissioners of election, one from each of the two political parties which did at the state and county election held in said city on the fifth day of November, one thousand nine hundred and eighteen, cast the highest number of votes, and if at any time during the said session of the city council the city executive committee of either political party from which said commissioners of election are to be selected or appointed shall present to said council a writing signed by them, or by the chairman of said committee in their behalf, requesting the appointment of a qualified voter of their political party with his city address and who is otherwise qualified to act as such commissioner of election under chapter three of the code of West Virginia, it shall be the duty of such council to appoint the person named in such writing as such commissioner. The county court of Kanawha county shall hold a regular or special session at the court house of said county on the first Monday in April, one thousand nine hundred and nineteen, and shall appoint one qualified voter as commissioner of election for each precinct in said city, and all city elections shall in all other respects be held in the way and manner prescribed in said chapter three of the

code of West Virginia, except that no double election boards shall be appointed for any city election. If the county court of Kanawha county shall at any time arrange the voting precincts in the city of Charleston for state and county elections according to the lines of the city wards hereinbefore provided, then at all subsequent city elections such precincts with the same boundaries and same voting places as provided for such state and county elections shall be the precincts for all city elections.

Sec. 12. The preparation of the ballot and the method of voting and all other requirements of chapter three of the code of West Virginia, except as changed or modified by this act, shall govern all city elections held under the provisions hereof.

Council.

Sec. 13. The city of Charleston shall have a council, which shall be known and styled as the "Council of the City of Charleston" and shall be composed of twenty members, one from each of the fifteen wards of the city, and five councilmen to be voted for by all the voters of said city, all of whom shall be nominated, voted for and elected in the manner herein provided.

Sec. 14. Only citizens entitled to vote and residents and voters of their respective wards and having the property qualifications hereinbefore provided shall be eligible to be elected to the office of councilmen from their respective wards and at large, and each councilman so elected from a ward shall continue to be a resident of the ward from which he is elected during his entire term of office.

At the election to be held on the third Monday in April, one thousand nine hundred and nineteen, there shall be elected one member of the council from each ward and five members of the council from the city at large. If any person elected to council fails to qualify within twenty days after he is declared elected, or resign as a member of the council, or cease to be a resident of the ward from which he is elected, then his office shall thereby be vacated and the council shall fill such vacancy by the election of some qualified person for such unexpired term. No person shall be declared elected by the council unless he receives the votes of at least eleven members thereof, and the minutes of such meeting shall show that fact.

Sec. 15. The mayor shall be the presiding officer of the council

and be a member thereof, with the right to vote on all questions the same as any other member of said council, and the city clerk shall be ex-officio clerk of the council, and also perform the duties of clerk of the police court, and the mayor and city clerk shall each perform such other duties as the council may require of them. The council shall, at its first meeting after each election, select one of its body as president pro tempore, who shall, in the absence of the mayor, preside as chairman of the meeting of the council, and in the absence of both the mayor and president pro tempore at any meeting of the council, some member of the council shall be elected to preside over such meeting.

Sec. 16. Whenever a majority of the newly elected members of the council shall have qualified they shall enter upon the duties of their said offices as a body and shall supersede the board of affairs and former council.

Sec. 17. The council shall exercise all of the legislative functions of the city government, and shall have the right to demand of any city official, or employee, information, explanations, facts, details, correspondence, or other papers affecting the city's interest; and it shall be misfeasance and neglect of duty for any such official or employee to fail or refuse to comply with such demands.

Sec. 18. The council shall by proper ordinance provide for the auditing of all the books and accounts of the city at least once in each year, and shall employ a reputable certified public accountant for such purpose, and such audit shall show the complete financial condition of the city at the time thereof and the receipts and disbursements of all moneys during such year. The council shall also provide by ordinance for the publication of the report of the accountant on the financial condition of the city at least once in each year, and such report of the accountant shall be spread upon the records of the council and be a public record for all purposes.

Sec. 19. Any member of the council, and any city official, either elected or appointed, may be removed from his office by the council for any of the following causes: Official misconduct, incompetence, habitual drunkenness, neglect of duty, or gross immorality. The charges against any such officer shall be reduced to writing and entered of record by the council, and a summons shall thereupon be issued by the city clerk containing a copy of the charges and requiring the officer named therein to appear and answer the same on a day to be named therein, which summons may be served in the same manner as a summons commencing an action may be served, and the service

must be made at least five days before the return day thereof, and it shall require the affirmative vote of two-thirds of all the members elected to council to remove any such official. The circuit court of Kanawha county shall have concurrent jurisdiction with the council to try, hear and determine any proceedings for the removal of any city official for any of the causes herein mentioned.

The mayor, or any other city official having the power of appointment, shall have the absolute right in his discretion to remove any of his appointees and appoint other qualified persons in his place, but such removal shall be in writing and served upon said official so removed, and all the rights and powers of such official shall cease and end from the time of such service.

Sec. 20. The council shall make proper rules and regulations for its own government and the conduct of its business, which rules shall not be contrary to, or inconsistent with, any of the provisions of this act, and such rules shall be duly entered of record and shall be published by the council in any municipal code or other publication made by the council of this act and the ordinances of said city. The council shall cause a record of its meetings to be kept and recorded by the city clerk in a well bound book provided by the council for that purpose, which book shall remain in the custody and at the office of the city clerk, and all the books containing the proceedings of former councils or other governing bodies of the city of Charleston, shall likewise remain in the custody and be kept at the office of the city clerk, and all such books and all city records shall at reasonable hours and in a reasonable manner be open to the inspection of the public.

Sec. 21. The council shall hold regular meetings on the first and third Mondays of each month, and the hour and place of such meetings shall be fixed by the council in the rules adopted by it, and, until it shall adopt such rules, the hour of the meetings shall be 7:30 P. M. on each of said Mondays, and the place shall be the council chamber of the city hall.

Sec. 22. Special meetings of the council shall be held when called by the mayor or ten members thereof. In either case, the call therefor shall be in writing and signed by the mayor or members issuing it, and shall state the time, place and business to be considered thereat, and a copy thereof shall be served upon each member of the council then in the city, and also be published on two successive days in two daily newspapers printed and circulated therein. No business, other than that stated in such call, shall be considered at such meeting.

Contested Elections.

Sec. 23. All contested elections shall be heard and determined by the council and such contests shall be made and conducted in the same manner as provided for in the case of contests for county and district officers; and the council shall conduct its proceedings in such cases as nearly as practicable in conformity with the proceedings of the county court in such cases, and there shall be the same right of appeal, in the same way, to the circuit court of Kanawha county.

Oaths of Officers.

Sec. 24. All officers elected and appointed shall take an oath, before some one authorized to administer oaths, that they will support the constitution of the United States, the constitution of this state, and will faithfully and impartially discharge the duties of their respective offices to the best of their skill and judgment; that they are not then and will not during their term of office, in any way or manner become pecuniarly interested directly or indirectly in any contract with the city, in any franchise granted by it, or in the purchase of supplies therefor. When the officer shall have made such oath in writing and filed the same with the city clerk and shall have given the bond required of him, he shall be considered as having qualified for the office to which he was elected or appointed; *provided,* that if any person so elected or appointed shall not qualify for said office as herein prescribed, within twenty days after he shall have been officially declared elected or appointed thereto, said office shall *ipso facto* become vacant, and said vacancy shall be filled in the same manner as other vacancies therein are provided for in this act.

Bond of Officers.

Sec. 25. The mayor, manager, city clerk, treasurer, city solicitor, city collector, police judge, health commissioner, chief of police and chief of fire department, each shall, before entering upon the discharge of their respective duties, give an official bond, conditioned for the faithful performance of such duties as are prescribed in this act or any ordinance now or hereafter passed, in amounts as follows: The mayor, one thousand dollars; manager, ten thousand dollars; city collector, ten thousand dollars; the treasurer, sixty thousand

dollars; the city clerk, police judge and city solicitor, three thousand dollars, respectively; health commissioner, chief of police and chief of the fire department, one thousand dollars, respectively.

The council may require additional bond from any of said appointive officers, and may likewise require bond, in whatever sum they may fix, of any other appointive officer or employee. All bonds of officers or employees shall, before their acceptance, be approved by the council. The minutes of the meeting of council shall show all matters touching the consideration or approval of all bonds, and when said bonds are approved and accepted, they shall be recorded by the city clerk in a well bound book kept by him at his office for that purpose, which book shall be open to public inspection; and the recordation of such bonds as aforesaid shall be *prima facie* proof of their correctness, and they, as so recorded, as well as copies thereof duly attested by the city clerk under the seal of the city, shall be admitted as evidence in all courts of this state The city clerk shall be the custodian of all bonds, except that given by him, and as to it, the city treasurer shall be custodian. All bonds, obligations or other writings taken in pursuance of any provisions of this act, shall be made payable to "The City of Charleston," and the respective persons, and their heirs, executors, administrators and assigns bound thereby shall be subject to the same proceedings on said bonds, obligations and other writings, for the purpose of enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record held in and for the county of Kanawha, that collectors of county levies and their sureties are or shall be subject to on their bonds for enforcing the payment of the county levies.

Quorum.

Sec. 26. A majority of the whole number of members elected to the council shall be necessary for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members, in such manner and under such penalties as it may by rules provide.

How Vote Taken

Sec. 27. Unless otherwise herein provided, the vote upon any question or motion before the council may be *viva voce* when unanimous; but if the question or motion does not receive the unanimous

vote of the members present, the vote shall be taken by roll call of the members and made a part of the minutes of the meeting, and when the vote is unanimous the minutes shall so state.

Minutes of the Meetings.

Sec. 28. The city clerk shall be *ex-officio* clerk of the council and shall keep detailed minutes of its meetings and proceedings in a well bound book for that purpose, which shall remain in the custody of the city clerk at his office and open to public inspection. The minutes of every meeting after being corrected, shall be signed by the mayor and city clerk, and, if thus recorded and signed, they shall be admitted as evidence in any court of record in this state.

Sec. 29. No officer of the city shall hold two offices with the city at the same time, or be employed by the city in any other capacity, without first having the consent of the council. All officers, except those under civil service, shall hold their respective offices for a term of two years, except the councilmen elected hereunder, who shall hold their offices for the period of time hereinbefore provided.

Sec. 30. Whenever the mayor or other officer shall fail to make any and all appointments under him, or required to be made by him, for a period of thirty days from the time such appointment should have been made, he shall forfeit his office, and the same shall be declared vacant by the council, and his successor appointed, in the manner herein provided.

Sec. 31. Whenever a vacancy for any cause whatever shall occur in the office of mayor or treasurer, the council shall elect some qualified person to fill said vacancy until the next city election, and until his successor shall have been elected and qualified; and when such vacancy shall occur in the office of any appointive officer, his successor shall be appointed by the person making the original appointment, or his successor in office, as hereinbefore provided; and all elective and appointive officers of said city shall hold their respective offices until their successors are elected, or appointed, and qualified, unless sooner removed.

Sec. 32. Any member of council or any officer of, or connected with, the city government pursuant to any law of this state or ordinance of the city now or hereafter passed, who shall, in his official capacity or under color of his office, knowingly or wilfully, or corruptly vote for, assent to or report in favor of, or allow, or certify for allowance, any claim or demand against the city, which claim

or demand shall be on account or under color of any contract or agreement not authorized by or in pursuance of the provisions of this act, or the ordinances of the city, or any claim or demand against the city and which claim or demand or any part thereof shall be for work not performed for and by authority of said city, or for the supplies or materials not actually furnished thereto pursuant to law or ordinance, and every such member or officer as aforesaid who shall knowingly vote for, assent to, assist or otherwise permit, or aid in the disbursement or disposition of any money or property belonging to the city to any other than the specific use or purpose for which such money or property shall be or shall have been received or appropriated or collected or authorized by law to be received, appropriated or collected, shall, upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than sixty days nor more than one year or by a fine of not less than five hundred dollars, or more than two thousand dollars, or by both. But the council shall pay any just obligations made by the city and keep and perform all contracts, agreements and obligations made under the law as it was the day before this act goes into effect, and for which and on which the city is liable or obligated.

Attendance of Witnesses—Punishing Contempts, etc.

Sec. 33. The council in the exercise of its powers and the performance of its duties, as prescribed by this act, and by the laws of the state, shall have the power to enforce the attendance of witnesses, the production of books and papers, and the power to administer oaths in the same manner and with like effect, and under the same penalties, as notaries public, justices of the peace, and other officers of the state authorized to administer oaths under state laws; and said council shall have the power to punish for contempt as is conferred on county courts by section thirteen of chapter thirty-nine of the code. All process necessary to enforce the powers conferred by this act on the council shall be signed by the mayor (or acting mayor), and may be executed by any member of the police force.

Absence of Officers.

Sec. 34. Whenever for any reason the mayor shall be absent from the city, or unable to attend to the duties of his office temporarily, the president *pro tem* of the council shall perform them during such absence or inability, and in the absence or inability of the manager

to attend to the duties of his office temporarily, the mayor shall designate some one to perform such duties, provided that such temporary absence or inability shall not exceed thirty days, but if such absence or inability shall exceed thirty days, then such appointment or designation shall be submitted to the council, for confirmation or rejection. In the absence or inability of any other appointive city official to perform the duties of his office, the person or body making the original appointment, or his successor in office, shall designate some one to fill such office temporarily, or if such absence or inability extends over a period of sixty days, he may appoint some one to fill such office permanently.

Mayor and Other Officers.

Sec. 35. There shall be a mayor, twenty members of council, a police judge and treasurer elected on the third Monday in April, one thousand nine hundred and nineteen, for the term of four years, and their successors shall be elected every four years thereafter, and their terms of office shall begin on the first Monday of May after their election. The mayor's salary shall be not less than three thousand nor more than five thousand dollars per annum, and he shall not be eligible to hold said office for more than two terms in succession.

The mayor shall appoint the city solicitor, the chief of police and all policemen, humane officer or officers, building inspector, collector, city auditor, engineer, health commissioner, lockup keeper, and the chief of the fire department, and these appointments shall not require any confirmation by the council, but shall be made at the discretion of the mayor, who shall, with like discretion, have the full and complete power of the removal thereof. The mayor shall appoint the manager, by and with the advice and consent of the council, and the mayor shall, at the first meeting of the council on or after the first day of May, one thousand nine hundred and nineteen, send to the council the nomination of some fit and proper person for the office of manager, and the council shall, either at a regular or special meeting called for that purpose in the said month of May, pass upon such nomination and either confirm or reject the same, and if such nomination is rejected, then the mayor shall submit to the council a further nomination of some other person or persons until the nomination is confirmed by council, for said office of manager, but it shall be the duty of the council to pass upon all nomina-

tions without any unreasonable delay, and in any event within two weeks after the submission of the same, and the failure of members of the council to pass thereon within such time shall be cause for the removal from office of such members of the council.

The council shall appoint a city clerk. The manager shall appoint or employ such persons as the ordinances of the city may require or the council may authorize by proper resolution. All such officers shall be appointed for the term of four years and until their successors are appointed and qualified, unless they are removed in the way and manner in this act provided.

It shall be the duty of the mayor to attend all meetings of the council and preside over that body.

It shall be the duty of the mayor to see that all of the laws and ordinances of the city are enforced and he shall have a general oversight over the peace, health and good order of the city.

The duties of the city solicitor shall be to attend the sessions of council, and to prosecute all suits in behalf of the city and defend all suits against the city, to advise the council and all of the departments of the city and in general to look after the interests of the city when it shall need legal services, for which he shall receive a salary of twenty-five hundred dollars per annum. All fees of every kind collected by any officer or employee, including the police judge when acting as a justice shall be paid to the city treasurer.

Sec. 36. The manager shall be appointed in the way and manner hereinbefore provided and shall receive such salary as council may by ordinance prescribe, provided such amount shall not be less than three thousand nor more than five thousand dollars per annum, and he shall have the right to employ one clerk at such salary as council may fix, and such other help as he may require and as council may from time to time allow.

The manager shall devote his entire time and attention to the duties of his office, and shall have supervision and control of the executive work and management of the heads of all departments under his control as directed by the mayor. He shall make all contracts for labor and supplies, and generally perform all of the administrative work of the city, and such other duties as council may require of him, and shall possess such other powers and perform such other duties as council shall prescribe.

Franchises and Ordinances.

Sec. 37. All franchise granting the right of occupancy of any portion of the streets or alleys for works of public utility or service, or granting any right or privilege, which the city has the power to grant to individuals, firms or corporations, in order that the latter may serve the public, may be made, but only upon the following restrictions and conditions: All such franchises, rights and privileges shall be granted only by ordinance duly passed by the council.

No grant of any such franchise shall be made without, at the time of making it, providing that the grantee shall indemnify the city against all damages caused by construction, maintenance or operation of such works. Additional provisions and conditions shall be made for the protection of the public against damage or inconvenience by reason of the construction, maintenance or operation thereof.

No grant of a franchise for the extension of or an addition to any line or work of public service through, over or under any additional street or territory of the city, shall be made for a period extending beyond the time limited for the expiration of franchise of the principal work of which it is an extension and if the franchise of the principal work is one granted before this act goes into effect and not limited as to time, any franchise granted for an extension or addition thereto shall nevertheless be made subject to the conditions thereof, including a time limit for a period not exceeding twenty-five years. All franchises hereafter granted shall embody therein a plainly expressed condition, where the franchise is for work to be useful chiefly to the citizens of the city, that at the expiration of such franchise or certain periods therein mentioned, the grantee shall, if required by the governing body of the city, sell to the city the plant at its actual physical value, exclusive of any value for the franchise granted by the city or its earning capacity or productive worth, and no exclusive franchise shall be granted.

If the city and the owner of the plant cannot agree upon its worth, then the value shall be ascertained by an impartial arbitration, one arbitrator to be selected by the city, one by such owner of the plant, these two to select a third and the decision of any two to be binding upon both parties, and if they shall fail for a period of thirty days to select such third arbitrator, then either party may apply to the judge of the circuit court of Kanawha county who shall then appoint such third arbitrator.

No franchise shall be granted without the affirmative vote of two-thirds of all the members elected to said council.

Sec. 38. When any franchise granting the right to use the streets, alleys or public grounds, shall be applied for, the application or petition shall be advertised in two newspapers, published in said city, thirty days before the same shall be heard and determined by the council; and any ordinance granting such rights and franchises shall, on the petition of ten per cent of the votes cast for all candidates for the office of mayor at the last preceding election, be submitted to the voters at a special election, for adoption or rejection, which shall be by a majority of the votes cast; said election to be held and conducted as other municipal elections are held, except that all of the expenses of said election shall be borne by the party or corporation desiring said rights and franchise.

All such ordinances shall protect the interests of the city, as provided in section thirty-eight, as well as such additional conditions, compensations or limitations as council may prescribe.

Sec. 39. Council shall have the right to appoint such committees of its own body as it may deem proper, and may give such committees power and authority to perform any duties and make any reports to council concerning the duties of council, and council may adjourn its meetings from time to time, pending the consideration of any matter, franchise or ordinance, and may postpone the announcement of any vote to an adjourned meeting or to a future meeting.

Sec. 40. The style of all ordinances enacted by the council shall be "Be it ordained by the Council of the City of Charleston."

Sec. 41. No ordinance shall be passed, except by bill, and no bill shall be so amended in its passage as to change its original purpose. All bills must be in writing or printed and presented and read in full by the city clerk. No bill shall be considered for final passage at the meeting at which it was introduced, but at any subsequent meeting of the council such bills may be taken up for consideration and final action. No bill, except general appropriation bills which may embrace the various subjects and accounts for and on account of which moneys are appropriated, shall contain more than one subject, which shall be clearly expressed in its title. No bill shall become an ordinance unless on its final passage a majority of the council vote in its favor and the vote be taken by the yeas and nays, and the names of the members voting for and against the same, be entered of record in the minutes of the proceedings of the council. No ordinance shall be revised or re-enacted by mere reference to the title thereof, but the

same shall be set forth at length as if it were an original ordinance, nor shall any ordinance be amended by providing that designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance or sections amended shall be set forth in full as amended. All ordinances in force at the time this charter goes into effect, not inconsistent therewith, shall remain in full force until altered or repealed as herein provided, and all rights, actions, prescriptions and contracts of the city not inconsistent therewith shall continue to be valid as if this act had not been passed.

Sec. 42. All ordinances passed, shall be spread in *extenso* upon the records of the council when adopted. The council shall provide a well-bound book in which shall be copied by the city clerk all ordinances in the order in which they are passed, which ordinances, when so copied, shall be compared with the originals by the mayor and shall be signed by him when found correct. Such books shall be indexed so as to show in brief form the substance of the ordinance, and shall be received by all courts and justices in this state as evidence, but the council may adopt by ordinance properly designating and describing it, a code of laws and ordinances, which when adopted shall be printed in book form, or said council may designate any committee, or attorney, or the city solicitor to prepare a code of ordinances for the government of the city of Charleston, and said council may by ordinance adopt the code so prepared as a whole, and when said ordinance adopting said code shall have been passed by the council, the said code shall be and become the law and ordinances of said city, and may be printed by order of the council, and the same shall be so received as evidence of what is printed therein, until errors or omissions be affirmatively shown therein.

Sec. 43. All persons elected or appointed to the offices named in this act shall be conservators of the peace within said city, and they, and any other officer provided for under this act, may be given authority of police officers by the council.

Sec. 44. The police judge shall be *ex-officio,* a justice and a conservator of the peace, with authority to issue process for all offenses committed within the police jurisdiction of the city of Charleston, of which a justice of the peace has jurisdiction under state statutes, and for all violations of any city ordinances, and shall have charge of and preside over the police court of such city; and may commit persons charged with felony or misdemeanor to jail or take bond for their appearance before the grand jury of the circuit, intermediate or

criminal courts of Kanawha county; he shall keep an accurate record of all his judicial proceedings in said court, showing the style of each case, which record shall be indexed and numbered. It shall be his duty to hold daily sessions of his said court, Sunday excepted. Before trying any person charged with any violation of any ordinance he shall issue his warrant specifying the offense or violation charged; he shall render judgment in any case as the law of the state or the ordinance of the city applying thereto may require; he shall also have the power to issue executions for all fines, penalties and costs imposed by him and he may require immediate payment thereof, and in default of such payment, may commit the party so in default to the jail of the county of Kanawha, or other place of imprisonment in said city, if there be one, until the fine and penalty and costs shall be paid or satisfied, to be employed during the term of imprisonment as hereafter provided, but the term of imprisonment in any such case shall not exceed thirty days, and in all cases where a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more, such person shall be allowed an appeal from such decision to the intermediate court of said Kanawha county upon the execution of an appeal bond, with surety deemed sufficient by the said police judge in a penalty double the amount of the fine and costs imposed by him, conditioned that the person proposing to appeal will appear before the intermediate court of Kanawha county on the first day of the next term thereof to answer for the offense wherewith he is chargd and not depart thence without leave of the court and satisfy all costs and fines imposed against him; and in no case shall judgment for a fine of less than ten dollars be given by the police judge if the defendant, his agent or attorney object thereto. If such appeal be taken, the warrant of arrest, the transcript of the judgment, the appeal bond and other papers of the case shall be forthwith delivered by the said police judge to the clerk of the said intermediate court and the court shall proceed to try the case as upon indictment or presentment and render such judgment, including that of cost, as the law and the evidence may require.

The expenses of maintaining such persons committed to the jail of the county by such police judge shall be paid by the city. The police judge shall account for and pay over the amount of all fines collected by him weekly to the treasurer of the city and shall make monthly reports thereof, and of all other matters pertaining to his office to the council of said city.

Sec. 45. The police judge shall be an attorney at law and shall have attained the age of thirty years at the date of the beginning of his term of service and shall have been a resident of this state for the period of five years and of the city of Charleston previous to the beginning of his term of service for the period of one year. He shall not appear as counsel in any criminal case in any court during his term of service. In the absence or inability of the police judge to perform his duties, the city clerk shall act as police judge in his stead, and in the event that neither the police judge nor the city clerk can for any cause perform such duties, then the mayor shall act as police judge.

Sec. 46. In all cases of arrest by the police of the city, except in cases for a felony, the person arrested shall have the absolute right to give a reasonable and proper bond for his appearance at police court for a trial of his case, and the police judge, city clerk, mayor, chief of police and the desk sergeant or person in charge of police headquarters shall have the power, and it shall be their duty, to accept such bond from such person so arrested, and upon the giving of such bond he shall be released, and it shall be their further duty to permit such person arrested to communicate in any reasonable way with any person or persons with whom he may desire to have communication in reference to his giving bail in order to obtain his release, and each of said officers and all policemen shall render reasonable aid in assisting such person arrested to communicate with any person that he may desire for the purpose of securing such bail.

Nuisances.

Sec. 47. The manager of said city shall have authority to abate and remove all nuisances in said city. He may compel the owners, agents, assignees, occupants or tenants of any lot, premises, property, building or structure, upon or in which any nuisance may be, to abate and remove the same by orders therefor, and the council shall by ordinance provide a penalty for the violation of such orders. Council may by ordinance regulate the location, construction, repair, use, emptying and cleaning of all water closets, privies, cesspools, sinks, plumbing drains, yards, lots, areaways, pens, stables and other places, where offensive, unsightly, unwholesome, objectionable or dangerous substances or liquids are, or may accumulate, and provide suitable penalties for the violation of such regulations, which may be enforced against the owner, agents, assignee, occupant or tenant of any prem-

ises, or structure where such violation may occur. It shall be the duty of all police officers to report to the manager the facts as to the existence of any nuisance known to them.

If the owner, agent, tenant, assignee or occupant of any such premises, lot, property, building or structure, as is mentioned herein, shall fail or refuse to abate or remove any such nuisance, as mentioned herein, or to comply with the provisions of any such ordinance and the regulations herein contained, the manager may have said nuisance abated or the provisions of said ordinance or ordinances carried out, after reasonable notice to said owner, occupant, tenant, agent or assignee of his intention so to do, and collect the expenses thereof, with one per centum per month interest added from the date of said notice, from the said owner, occupant, tenant, agent or assignee, by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are herein authorized to be collected, and the expense shall remain a lien upon said lot, or part of lot, the same as taxes levied upon real estate in said city; which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced. In case of non-resident owners of real estate such notice may be served upon any tenant, occupant, assignee or rental agent, or by publication thereof once a week for not less than two consecutive weeks in two newspapers of opposite politics, published in said city.

And in all cases where any tenant, occupant or agent is required to abate and remove any nuisance under the provisions of this section, or comply with the provisions of any such ordinance as is mentioned herein, the expense thereof may be deducted out of the accruing or accrued rent of said property or amount due said owner from said agent, and such tenant, occupant or agent may recover the amount so paid from the owner, unless otherwise especially agreed upon.

Any expense incurred by the manager as herein provided, in the manner aforesaid, may be collected in the manner herein provided, notwithstanding the imposition of any other penalty or penalties upon any of the persons named herein, under any of the provisions of this act. The abatement or removal of any such nuisance by the city at the expense of said city, as herein provided, shall be *prima facie* proof that the said notice to the owner, occupant, agent or assignee was given as herein prescribed.

Sec. 48. The manager may require all owners, tenants or occupants of improved property which may be located upon or near any street or alley along which may be extended any sewer or system of sewerage,

which the said city may construct, own or control, to connect with such sewer, or system of sewerage, all privies, ponds, water closets. cesspools, drains or sinks, located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage.

Sidewalks.

Sec. 49. The council shall have the right and authority to establish the width of any sidewalk on any street, alley or public square, or any portion thereof in said city, to cause to be put down a suitable curb of brick, stone or other material along for the footways and sidewalks of the streets, alleys or public squares or portion thereof, and to order the construction, re-laying and repair of sidewalks and gutters of such material and width, and in such manner, as the council may reasonably prescribe by the owners or occupiers of the lots or parts of lots facing upon said streets, alleys and public squares; and in case of a failure or refusal of any such owner or occupiers of the lots or parts of lots to construct, re-lay or repair such sidewalks and gutters, when required, it shall be lawful for the council to have such sidewalks and gutters constructed, re-laid or repaired, and levy and collect the expense thereof, with one per centum per month interest added after a demand of thirty days has been made by the treasurer of the city from the said owner, owners, occupier, occupiers or any of them; and in all cases of such assessment, whether for the construction, re-laying or repairing of sidewalks or gutters, payment thereof shall be made to the treasurer within thirty days after the completion of the work and demand made, and if not so paid the city is hereby authorized to collect or cause to be collected the expense thereof, with one per centum per month interest added after the work has been completed and a demand of thirty days, and they shall have the power to collect, or cause to be collected, the same from said owner, owners, occupier or occupiers or any of them, by distress and sale, in same manner in which taxes levied upon real estate for the benefit of the said city are herein authorized to be collected, and in addition there shall be a lien upon the real estate against which such assessment has been levied for the construction, re-laying and repairing of sidewalks and gutters as herein provided, which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced, and it shall be the duty of the city clerk to cause to be certified to the clerk of the county court of Kanawha county the order

laying an assessment authorized by this section. The clerk of the county court of Kanawha county is hereby required to record and index such assessments in the proper trust deed book in the name of persons against whose property assessments appear therein; *provided, however,* that a reasonable notice shall first be given to said owner or occupier or their agent, that they are required to construct, re-lay or repair such sidewalks or gutters. In case of non-residents who have no known agent in said city, such notice may be given by publication for a period not less than once a week for two consecutive weeks in any newspaper printed in said city; and in all cases where a tenant shall be required to construct, re-lay or repair sidewalks or gutters in front of the property of his or her occupancy, the expense of such construction of re-laying or repairing may be deducted out of the accruing rent of said property, and he may recover the amount so paid from the owner, unless otherwise especially agreed upon. The laying or construction of any such sidewalks by said city shall be *prima facie* proof that the said notice to the owner (resident or non-resident) or occupier, or their agent, was given as herein required.

Taxes.

Sec. 50. The council shall ascertain the total expense of the city to be provided for by levy for the fiscal year in which said levy is made, and it shall make a detailed itemized estimate of the sum of money necessary to pay interest accruing on the bonded indebtedness of said city, the amount required for the several sinking funds for the reduction of the principal thereof, the amounts necessary for the support of the various departments of the city and for the improvements of its streets, alleys, avenues and public grounds, real and personal property, contingent expenses and other expenses, together with an itemized statement of the estimated receipts other than that to be derived by the annual levy, and after receiving such estimates, and before making the levy, it shall apportion the rate thereof, including the estimated receipts from licenses and all other sources among the several funds so ascertained and provided for, which apportionment shall be spread upon the records of this city, and in making said estimate, providing for the revenue for the fiscal years, etc., it shall be the duty of the council to strictly observe all the provisions of chapter nine of the acts of the legislature, one thousand nine hundred and eight, entitled "An act to regulate the rate and manner of laying levies for taxation in counties, magisterial and school and independent school districts, and municipal corporations,

and to provide penalties for the illegal expenditure of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax levying body, and for the distribution of a portion of the school fund," and all amendments thereto, except where said last named act shall be inconsistent with this act as to limit of taxation.

Sec. 51. The council shall have authority to levy and collect an annual tax on real estate and personal property in said city, and to impose a license and assess a tax thereon on wheeled vehicles for public hire and for all dogs kept within said city, and to impose a tax upon all other subjects of taxation under the several laws of the state, which shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal and mixed, on which the state imposes a tax; provided, that no greater levy shall be laid by said council on the taxable property of said city than fifty cents upon each hundred dollars of the assessed valuation of the property of the municipality; and, provided, further, that the council shall in making such levy, be subject to all the provisions of chapter nine of the acts of the legislature of one thousand nine hundred and eight and any and all amendments thereto, except as herein provided. There shall be a tax of two dollars annually assessed on each and every male inhabitant of said city over the age of twenty-one years who is subject to a capitation tax under the laws of the state of West Virginia. The same shall be set out and included in the personal property book against every such inhabitant, and shall be collected under the authority of the city at the time of collecting other levies and taxes.

Sec. 52. The city taxes annually levied by the council shall be collected as follows: Immediately after the annual levy for city taxes is laid the council shall direct the proper officer of the city to extend the same on the property books made out by him, including therein the proper capitation tax; he shall make out therefrom proper tax tickets in the following manner: That is to say, instead of a single ticket for the whole amount charged to any person, firm or corporation there shall be two tickets, each for one-half of said amount; these half tickets shall be severally numbered or designated "first" and "second" and the same, after being examined and compared by the council and found to be correct, shall be turned over to the treasurer of the city on the first day of October following the levy and the treasurer's receipt for the gross amount thereof shall be

returned, entered upon its record and the treasurer charged therewith. The treasurer shall give notice by publication for twenty days in two newspapers of opposite politics published in said city, that said tax tickets are in his hands for collection, stating the penalty for non-payment thereof and the time and place when the same may be paid; *provided, however,* that the tax payers shall have the right to anticipate the payment of the whole or any part of the taxes assessed against them.

The one-half ticket designated "first" may be paid to the treasurer of the city any time before the first day of November next succeeding said levy; the one-half ticket designated "second" may be paid to the treasurer of the city at any time before the first day of May next succeeding said levy. To all the half tickets designated "first" remaining unpaid in the treasurer's hands on the said first day of November succeeding said levy, a penalty of ten per cent shall be added and collected from the taxpayers. To all half tickets designated "second" remaining unpaid in the treasurer's hands on the first day of May succeeding said levy a penalty of ten per cent shall be added and shall be collectible from the taxpayers. On said first day of November succeeding said levy, all such half tickets designated "first," and on said first day of May succeeding said levy all such half tickets designated "second" remaining unpaid in the treasurer's hands shall be taken up by the council and settlement had with said treasurer on said days, respectively, or on the next succeeding days, respectively, if said days shall fall upon Sunday, and thereupon the council shall place said tickets in the hands of the city collector for collection and shall take his receipt therefor; *provided, however,* that the council shall have the power any year, by resolution, to extend the time within which the tickets may remain in the treasurer's hands and be paid to him without adding the penalty, for a period named therein not exceeding, however, a total of fifteen days.

The city collector shall have the power to collect said tickets so placed in his hands, together with the penalties thereon hereinafter provided to be added thereto, and the compensation of such city collector for making such collection of the taxes aforesaid shall be fixed by the council.

The city collector shall be charged with the gross amount of said tax tickets so delivered to him for collection, including the penalties accrued thereon so delivered, and no deduction therefrom shall be allowed, unless on or before the first day of August of each year he makes out and returns to the council a delinquent list of taxes un-

collected for such year, with his oath attached thereto, stating that such list is correct and just and that he has received no part of the taxes mentioned therein, and that he has used due diligence to find property liable to distress for taxes has found none, and that he could not collect the same.

Neither the treasurer nor the city collector shall take or collect anything but money for payment of taxes.

Sec. 53. The city collector shall have the power to collect the city taxes except as otherwise provided in this act, and he shall also have power to collect the city claims which may be placed in his hands by the council for collection, except that fines imposed by the police judge shall not be collected by him.

Sec. 54. All goods and chattels belonging to a person, firm, corporation or estate, assessed with any city taxes, whether the same be a capitation tax or a tax upon real estate or personal property or an assessment for paving or other improvements, shall be liable for said tax, and may be distrained therefor in whosoever's possession they may be found, and the city collector shall have the same power to collect said tax or assessment from any person owing a debt to or having in his possession any estate belonging to a person assessed with any tax or assessment of any kind that the sheriff has to collect state taxes in such cases. The city collector may distrain and sell for all city taxes and assessments and in all respect have the same power to enforce the collection thereof as the sheriff has to enforce the collection of state taxes.

Sec. 55. There shall be a lien upon all real estate within said city for the city taxes assessed thereon, including such penalties added thereto for non-payment thereof as are prescribed by this act, from the first day of April of the year in which said taxes are assessed. Said liens may be enforced by appropriate suit in any court of record in Kanawha county; *provided,* such suit be instituted within five years from the time the said liens attached as herein provided, and such suit may either be instituted by and in the name of the city of Charleston as plaintiff, or said city may intervene by petition any suit pending to sell or enforce liens against any real estate which is subject to such lien for said taxes. The liens herein created shall have priority over all other liens except those for taxes due the state.

Sec. 56. Said liens for city taxes and attendant penalties may also be enforced by certifying the same to the clerk of the county court of Kanawha county for certification to the state auditor, and the same may be certified down by said auditor, and sold for taxes

interest, penalties and commissions thereon, in the same manner, at the same time, and by the same officer as real estate is sold for taxes, interest, damages, cost and commissions due the state thereon, which officer shall account therefor on settlement with the city and pay over the same to the treasurer of the city.

Sec. 57. No taxes or levies shall be assessed upon or collected from the taxable persons or property within the corporate limits of said city, for the construction, improvement or keeping in repair of road, or the building, leasing or repairing of school houses, or the purchase of lands for the same, or for the support of schools, or for the support of the poor of Kanawha county, outside of said corporate limits, for any year in which it shall appear that said city shall at its own expense provide for its own poor and keep its own roads, streets and bridges in good order. And neither the county court of Kanawha county, nor the authorities of the district in which said city is situated, shall have or exercise jurisdiction within the corporate limits with relation to the roads, streets, alleys, bridges, wharves, docks, ferries, schools or school houses, but the same shall be and remain under the exclusive jurisdiction and control of the municipal authorities of said city, except that the board of education in the independent school district of the city of Charleston shall have jurisdiction, supervision and control of the schools and school houses in said district; and said city shall be liable only for the construction, improvement, repair and good order of the roads, streets, alleys, wharves and bridges in its corporate limits, except that the county of Kanawha may become the joint owner and controller with the city of Charleston in a bridge or bridges across Kanawha river.

Depositing City Funds.

Sec. 58. It shall be the duty of the treasurer of the city to keep all funds of the city in some bank or banks within said city, which shall pay interest on such deposits and which shall pay interest on the average daily balance of such funds in all accounts of the per cent equal to that paid by state depositories on all funds of the state of West Virginia and in the same manner and at the same time. If no bank within the city is willing at any time to receive deposits of the treasurer and to pay such interest thereon, the treasurer shall report this fact to the council, who shall thereupon designate a bank or banks in which he shall deposit said funds for the time being and until some bank in said city will receive such reposits on such terms. Before receiving any such deposits such bank or banks shall give

bond in such penalty as the council shall prescribe, and with sureties to be approved by said council, conditioned for the prompt payment, whenever lawfully required, of all the city moneys or parts thereof which may be deposited with them, which bond shall be renewed at such times as the council may require.

Buying and Building Bridges, Water Works and Other Public Utilities, Paving Streets, Constructing Sewers, Etc.

Sec. 59. The city of Charleston is hereby authorized to issue and sell bonds of said city, for the purpose of buying and building bridges, electric light plants, water works, gas lines and fields, and other public utilities; and such bonds shall be sold for not less than par, and payable in a period not to exceed thirty-four years, and shall bear interest, not to exceed six per centum per annum; and in the issuance and sale of said bonds the city shall be governed by all the restrictions of the constitutions of this state and the statutes of this state, with respect to the issuance and sale of other bonds, *provided,* that said city shall not, by the sale or issue of bonds for the purposes above mentioned, cause the aggregate of its indebtedness, of every kind whatever, to exceed five per centum of the value of the taxable property therein, but may for the above purposes issue bonds to the maximum limit of said five per cent; nor shall said city make such issue and sale of bonds without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on the same, and a sinking fund to pay the principal within the time for which said bonds shall be issued.

Sec. 60. The city of Charleston is hereby authorized to issue and sell the bonds of the said city for the purpose of providing for grading, paving and otherwise improving the streets and alleys of said city or constructing sewers for the proper draining of same in anticipation of special assessments to be made upon the property abutting upon the streets and alleys so improved, or property so sewered or drained, and such bonds may be in such an amount as shall be sufficient to pay the entire estimated cost and expense of said improvements, for which such special assessments are levied; *provided,* that the price for which said bonds are sold shall not be below par value thereof; said bonds may be payable in groups of one-fifth of the whole issue payable in two, four, six, eight and ten years respectively, and all payable in not to exceed ten years from the date of issue thereof, and shall bear interest at a rate not exceeding six per centum per annum, payable annually; and in the issuance and sale of said bonds, the

city shall be governed by all the restrictions and limitations of the constitution of this state and the restrictions and limitations of the statutes of this state with respect to the issuance and sale of other bonds, and the assessments as paid and provided for in this act shall be applied to the liquidation of said bonds and the interest thereon; and if by reason of the penalties collected with the delinquent assessments, there be any balance after the payment of said bonds and all accrued interest and costs, the said balance shall be turned into the city treasury to the credit of the interest and sinking fund of the city.

Provided, that said city shall not by the sale or issue of such bonds cause the aggregate of its debt of every kind whatsoever to exceed five per centum of the value of the taxable property therein; and, *provided, further,* that nothing herein contained shall be construed as authorizing said city to become indebted in any other manner or for any other purpose, to an amount including the existing indebtedness in the aggregate exceeding two and one-half per centum on the value of the taxable property therein (as provided in chapter fifty-one of the acts of 1905) except for the purpose of grading, paving, sewering and otherwise improving the streets and alleys of said city and as provided for in this act, and except for the purpose of buying or building bridges, electric light plants, water works, gas lines and fields and other public utilities; nor shall they make such issue and sale of bonds for grading, paving, sewering and improving the streets and alleys of said city without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt and principal thereof within a period not exceeding ten years.

All assessments, interest and penalties thereon, collected from the abutting property owners, on account of grading, paving, sewering or otherwise improving the streets and alleys of such city under the provisions of this act, shall annually be applied to the annual tax required to pay the interest on such debt and such principal within and not exceeding said period of ten years and in the event that the assessments, interest and penalties so collected do not amount to a sum sufficient to pay annually the interest on such debt, said city shall collect so much of said levy as will pay annually the interest on such debt, and the principal thereof within and not exceeding ten years.

Sec. 61. Whenever the council of said city shall deem it expedient to cause any street or alley in said city or portion thereof to be paved,

curbed or macadamized, or otherwise improved in a permanent manner, it shall order the work done in the following manner and upon the following terms: The contract for such paving or other improvements shall, after due advertisement in which the council shall reserve the right to reject any and all bids, be let to the lowest responsible bidder. The contractor shall look only to the city for the payment of the work, and in no sense to the abutting land owners, except as hereinafter provided. The total cost of grading and paving or otherwise improving any such street or alley (with the exception that where a street is occupied by the street car tracks or other railways, such cost of opening or otherwise improving the distance between the rails and two additional feet outside of each rail, shall be borne and paid entirely by the street car or other railway company operating such street or other railway, unless otherwise provided by the franchise of such street car or other railway company granted previous to the passage of this act), shall be borne by the owners of the land abutting upon said street, alley or portion thereof, according to the following plan, that is to say: payment is to be made by all land owners on either side of such portion of a street or block so paved or improved in such portion of the total cost, less the portion, if any, chargeable to such street or other railway company, as the frontage in feet of his land so abutting bears to the total frontage of all lands so abutting on such street, alley or portion thereof so paved or improved as aforesaid. The cost of such paving or improvement chargeable to the abutting owners is not to include any portion of the amount paid for paving of squares at intersection of streets or for curbing which shall in all cases be borne and paid by the city.

When the paving of any street, or alley, or portion thereof shall have been let to contract and the work done as hereinbefore provided, it shall be the duty of the engineer of said city to cause the several frontages abutting thereon to be measured, and to calculate the assessment upon each and every land owner so abutting and to certify the same to the council, showing the proper amount to be determined, as provided in the foregoing plan. It shall be the duty of the council to examine and compare such assessment, amounts and names so certified to it, and thereupon give notice by publication once a week for two successive weeks in two newspapers of opposite politics published in said city, that an assessment under this act is about to be laid against the abutting property for paving or improvements done on said streets or alleys, describing the location of

such paving or improvements, and any owner or owners thereof shall have the right to appear before said council, within two weeks from the first publication thereof, and move to correct an apportionment or assessment excessive or improperly made as charged, which correction said council shall have the power to make according to the intent of this act, and if found to be correct or when corrected by the council as aforesaid, it shall enter the same, together with a description of the lots of land as to location, frontage, depth and ownership, so far as the same may be ascertained, upon its records and to enter in its records that such owners and lots be assessed and chargeable with the amount so ascertained to be borne by them respectively; and when so approved, certified and entered on record, the same shall be and constitute an assessment against said owners and lots for such respective amounts. And it shall be the duty of the council to immediately certify such assessment to the treasurer for collection as herein provided, and a copy of said order shall be certified by the city clerk to the clerk of the county court of Kanawha county, who shall record and index the same in the proper trust deed book in the name of each person against whose property assessments appear therein. The amount so assessed against said abutting land owners shall be paid in ten payments, as follows: That is to say, one-tenth of said amount, together with interest on the whole assessment, shall be paid into the city treasury, before the first day of May next after said work is completed and said assessments have been certified to the county clerk. And a like one-tenth, together with interest for one year upon the whole amount remaining unpaid on or before the first day of May in each succeeding year thereafter until all has been paid, and each of said installments of one-tenth beginning with the first, shall bear interest on the amount of said installment at six per centum per annum from the date of record of same in the county court clerk's office until paid; *provided, however,* that any abutting owner so liable for any portion of the cost of such paving shall have the right at any time after the same is certified as aforesaid to the treasurer for collection to anticipate the payment of any or all of said assessments and shall be allowed to pay the face of said assessments with interest at six per cent per annum only from the time of recordation to the time of payment. To each of such installments of assessments remaining unpaid in the treasurer's hands on the day herein specified for the payment thereof, a penalty of ten per centum on the principal sum shall be added and any assessment so remaining unpaid in the treasurer's

hands on such date, shall be taken up on such settlements had with the treasurer on such dates, and thereupon place such assessments with the penalty added thereto, in the hands of the city collector to be treated and considered, and payment thereof enforced in all respects as hereinbefore provided for the collection of taxes due the city, and they shall be a lien upon the property liable therefor the same as for taxes, which lien may be enforced in the same manner as provided for taxes. The lien hereinbefore provided for shall have priority over all other liens except those for taxes due the state and shall be on a parity with taxes and assessments due the city. Whenever all such assessments, for paving, sewerage, macadamizing or other improvements shall be paid in full to the treasurer, he shall deliver to the party paying the same a release of the lien therefor which may be recorded in the office of the clerk of the county court of Kanawha county as other releases of liens, and whenever any such assessments shall not be in the hands of the treasurer for collection, but the same shall be shown to the satisfaction of the city auditor or other official performing the duties of auditor, to have been paid in full or any officer entitled to receive the same, such auditor or the mayor may in like manner execute such release.

Sec. 62. Whenever the council shall order the construction of any public sewer in said city, the owners of the property abutting upon any street in which such sewer shall be constructed, shall be charged with and liable for sewerage assessments as follows. When said sewer is completed the engineer of said city shall report to the council in writing, the total cost of such sewer, and a description of the lots and lands as to the location, frontage, depth and ownership liable for such sewer assessment, so far as the same may be ascertained, together with the amount chargeable against each lot and owner, estimated on the basis of one dollar per foot for inside lots, and one dollar and twenty-five cents per foot for corner lots, frontage measures on said sewer being considered; and not over forty feet front shall be considered a corner lot, except that such estimate as to the corner lots fronting thereon and having a greater depth than one hundred and fifty feet shall be estimated at one dollar and fifty cents per foot frontage and any lot having a depth of two hundred feet or more and fronting on two streets, one in the front and another in the rear of said lot, shall be assessed on both of said streets, if a sewer is constructed on both streets, or if fronting on a street and running back two hundred feet or more to an alley shall be assessed on both the street and alley; if a sewer shall be constructed in both

street and alley; where a corner lot has been assessed on one end of it shall not be assessed on the side; and thereupon said council shall give like notice by publication as is required in case of street paving assessments, and the same rights shall exist as to the persons and property affected and the same duty as to corrections by said council as are prescribed with reference to paving, which report shall in like manner be examined by the council, and if found to be correct or corrected as aforesaid, and such estimated assessments to be a fair and equitable apportionment of the cost of such sewer upon the basis hereinbefore described, it shall enter an order upon its records, setting forth such location, depth, ownership and said amount of such sewer assessments, against each, respectively, calculated as aforesaid, and the entry of such order shall constitute and be an assessment for such proposition and amount so fixed therein against such respective owners and lots, and if after such advertisement, notice and hearing, said council shall find that such apportionment at such rate is unjust or inequitable, and contrary to the interest of this act, it shall ascertain, fix and assess the cost thereof among and upon the abutting owners respectively, justly and equitably and according to the intent hereof, and in like manner, assess and enter the amount so fixed respectively upon its records, and the council shall, in either event, thereupon certify the same to the treasurer for collection, and certify a copy of such order to the clerk of the county court of Kanawha county, who shall record the same in the proper trust deed book, and index the same in the name of each owner of any such lot so charged with such assessment, and such assessment so made shall constitute and be a lien upon said lots respectively, which shall have priority over all other liens, except those for taxes due the state, and shall be on a parity with other taxes and assessments due the city. Said amounts so assessed against the said several land owners shall be paid by the parties liable therefor to the said treasurer at all times, in the manner and with the attendant penalties for failure to pay promptly at the time prescribed in all respects as hereinbefore provided in the case of assessments for paving streets and alleys in a permanent manner, and the parties liable therefor shall, in the same manner, and to the same extent, have the right and be entitled to anticipate any or all of such installments thereon as in such case provided. The owners of, or the tenants, occupants or agents of any lot abutting on or near or adjacent to any street or alley in said city, on which a public sewer is or may hereafter be laid and constructed, upon which lot any business or residence building is or may hereafter

be erected, or upon which any water stands not connected with a public sewer, may be required and compelled to connect any such building or lot with such sewer. Notice to so connect may be given to the owner, lessee, or occupant of such building. Each day's failure to comply with such notice and connect with such sewer by such owner or owners, ten days after such notice is given, shall be a misdemeanor and a separate and new offense under this sectioin, and every such offense shall be punishable by fine of not less than five nor more than twenty-five dollars. The expense incurred by any tenant, occupant, or agent in complying with the order of said council to make such sewer connection may be deducted out of the accruing rents as provided for in section sixty-one relating to the abatement of nuisances. Jurisdiction to hear, try, determine and sentence for violation of this section is vested in the police court of such city.

The liens herein and hereinbefore provided for street paving, macadamizing and sewerage assessments and assessments for other improvements shall constitute liens upon the real estate upon which they are assessed, as against creditors of the owners thereof, or purchasers for value, and without actual notice of such liens, only from and after the time that the statement thereof certified as aforesaid, shall be filed for record in the office of the clerk of the county court of Kanawha county.

Sec. 63. Whenever it is deemed expedient by the council of said city to provide for the grading, paving, sewering, macadamizing or otherwise improving any street or alley therein to be paid for in whole or in part by special assessment, said council shall declare by resolution, by aye and no vote, the necessity of such improvement. At the time of the passage of said resolution the said council shall have on file in the office of the city clerk, plans, specifications, estimates and profiles of the proposed improvements, showing the proposed grade of the street and improvement, after completion, with reference to the property abutting thereon, which plans, specifications, estimates and profiles shall be open for the inspection of all persons interested. Said resolution shall determine the general nature of the improvements, what shall be the grade of the street, alley or other public place to be improved, as well as the grade or elevation of the curb, and said council shall approve the plans, specifications, estimates and profiles for the proposed improvement. The council shall also determine in said resolution the method of paying for the work contemplated in said plans and specifications, whether by an appropriation from funds in the treasury unappropriated, or whether or not bonds shall be issued

in anticipation of the collection of special assessments, to be made against the abutting property owners as provided for in section sixty-one of this act. Assessments shall be payable in ten installments as provided for in said sixty-first section. The resolution herein provided for declaring the necessity for said improvement shall be published at least once a week, for two successive weeks after its adoption, in two newspapers published in the city, and of opposite politics, and an affidavit of the publisher showing publication for such time, together with a copy of said notice attached, shall be filed with the city clerk of the said city and spread upon the record of the minutes of the next meeting of the council, said resolution shall be in effect from and after the first publication thereof as herein provided for.

Sec. 64. A notice of the passage of the resolution required in the last preceding section, embodying a copy of said resolution, shall be served upon the owner of each piece of property to be assessed, said service to be made in manner provided by this act for serving notices herein required; *provided,* that if any of the owners or persons be not residents of the city of Charleston or if it appears by the return, in any case, that the owner cannot be found, then a notice of the passage of said resolution shall be published in some newspaper of general circulation in said city once a week for two successive weeks, and such notice whether by service or publication, shall be completed at least three days before said improvement is begun or the assessment is levied, and the return of the officer serving such notice or a certified copy of said return, or when published, the certificate of the publisher of said newspaper, shall be *prima facie* evidence of the service of the notice as herein required. Notice upon infants may be served on their guardian, and upon insane persons, by service upon their committee.

Sec. 65. The city of Charleston shall pay the cost of paving intersections of all cross streets, but not including the places where private alleys or private crossings cross sidewalks, which shall be paved by the owner or owners of said private alleys or crossings or at his or their expense; *provided,* that whenever special assessments shall have hereafter been levied and paid under the provisions of this act for any improvement made after this act becomes a law, for the improvement of any street or other public place (other than sidewalks), the property so assessed shall not again be assessed for more than half of the cost and expense of repaving or repairing such street or other place unless the grade be changed, but this exception shall not apply

to the repaving or repairing of streets or other public places which were paved or improved before the passage of this act.

Sec. 66. It shall be lawful for said city of Charleston to issue and sell its bonds as provided in this act for the sale of other bonds, to pay the city's part of the cost of said improvements as required by this act, and may levy taxes in addition to all other taxes authorized by law, to pay such bonds and interest thereon, provided that the total indebtedness of the city for all purposes shall not exceed five per centum of the total value of all taxable property therein.

Sec. 67. At the expiration of the time for the giving and publication of the notices as provided for in section sixty-four, the council shall determine whether it will proceed with the proposed improvement or not, and if it decides to proceed therewith, an ordinance for the purpose shall be passed; said ordinance shall set forth the streets and alleys upon which the abutting property is to be assessed for the improvement and shall contain a statement of the general nature of the improvement, and the character of the materials which may be bid upon therefor, of the mode of payments therefor; a reference to the resolution therefor passed for said improvement, giving the date of its passage and a statement of the intention of the council to proceed therewith in accordance with said resolution and in accordance with the plans, specifications, estimates and profiles provided for said improvement. In setting forth the lots and lands abutting upon the improvement it shall be sufficient to escribe them as the lots and lands abounding and abutting upon said improvements between and including the *termini* of said improvements, or by the description by which they are described on the land books of the county of Kanawha, and this rule of description shall apply in all proceedings in which lots or lands are to be charged with a special assessment.

Sec. 68. In any case in which special assessments have been made, or shall hereafter be made, upon property for the construction of any improvement authorized by this act or previous statutes and several kinds of materials have been named in the ordinance or ordinances providing for the same, and on which bids have been received for the construction of said improvements with any, either or all of said material, said assessments shall be valid and binding assessment on the property so assessed. In the case of the construction of sewers required under the provisions of this act, notice of the passage of said resolution therefor, as provided for in section sixty-four, of this act, shall be given in the manner provided for in said section of this act.

Sec. 69. No public improvement, the cost or part of the cost of which is to be especially assessed on the owners of property, shall be made without the concurrence of three-fifths of all of the members of council unless the owners of a majority of the foot frontage to be assessed petition in writing therefor, in which event the said council shall be authorized upon the affirmative vote of a majority thereof to proceed with the improvement in manner provided for.

Sec. 70. When the whole or any portion of the improvement authorized by this act passes through or by a public wharf, market space, park, cemetery, structure for the fire department, water works, school building, infirmary, market house, work house, hospital, house of refuge, bridge, gas works, public prisons, court house, church or any other public structure or public grounds within said corporation, and belonging to said corporation or to the county, state, or any church, association, eleemosynary institution, the council may authorize the proper proportion of the estimated cost and expense of the improvement to be certified to the clerk of the county court of Kanawha county, and it shall be the duty of those persons having charge of the fiscal affairs of any such property or institution to make proper arrangements for the payment of such assessments when due and payable.

Sec. 71. The cost of any improvements contemplated in this act and for which assessments may be made, shall include the cost and expense of the preliminary and other surveys, and of printing and publishing all notices required to be published, and serving the notices upon the property owners and the cost of constructing and inspection.

Sec. 72. No person shall bring any action whatever in any court in this state for damage arising out of improvements or change of grade unless he shall have filed with the council at some time after the publication of the notice provided for in section sixty-four, and before the time of the introduction of the ordinance providing for said improvement a statement of the damage which, in his opinion, he will sustain by reason of said improvement or the change of grade therefor, which statement shall be duly sworn to and be spread upon the minutes of said council.

Sec. 73. Proceedings with respect to improvements shall be liberally construed by the courts to secure speedy completion of the work at reasonable cost, and a speedy collection of the assessments after the time has elapsed for their payment and merely formal objection in such cases shall be disregarded.

Sec. 74. It is especially provided that no bonds shall be issued under the provisions of this act unless and until the question of issuing said bonds shall have first been submitted to a vote of the people of the city and shall have received three-fifths of all votes cast at said election for or against the same.

The council may provide by ordinance for an election every year, at which the question shall be submitted to the people, as to whether the city shall be authorized to issue bonds for the purpose and under the provisions of this act, to an amount not to exceed in the ensuing year the amount recommended by said ordinance for said ensuing year; but the ordinance providing for said election need not specify in detail the location of the improvements contemplated to be paid for during the ensuing year out of said aggregate issue authorized for said year, but before issuing any bonds the council shall pass separate ordinances for such street or alley to be improved, dealing with all the requirements set forth in section sixty-seven of this act, and notwithstanding the provisions of sections two, three and six of chapter forty-seven of the code, it shall be sufficient description for the purpose for which said election is held if the ordinance providing for said election shall recite that it authorized the council of said city to issue bonds for the purpose of grading, paving, sewering or otherwise improving the streets and alleys of said city, at such times as the council shall deem fit during the ensuing year ending on the ——— day of———————, 19—, to an amount not exceeding in the aggregate during the said year the sum of———————; and when the council shall have been once authorized by a vote of the people to issue bonds for the purpose and in a sum not to exceed the amount set forth in the ordinance providing for the said election, no further election shall be necessary for the issuing of bonds during said ensuing year up to the amount stipulated in said ordinance providing for said election, but the council shall from time to time during said ensuing year, by ordinance authorize the issue of said bonds, in such sums and for the improvement of such streets or alleys as to it may seem best, providing the requirements of this act are complied with. The aggregate amount of bonds authorized by said annual election shall not be exceeded during said ensuing year, unless and except the same be authorized by special election held at a subsequent time in said year and duly called as provided for the calling of the annual bond election.

The provisions of chapter forty-seven of the code concerning bond

elections shall, so far as they are not in conflict with the provisions of this act, apply to the annual bond elections and special bond elections herein provided for.

Sec. 75. The council may refund the lawful bonded indebtedness of said city by issuing bonds of the city, payable within twenty years, bearing no greater rate of interest than four per cent, but the indebtedness of said city shall not thereby be increased without the consent of the voters of said city being first had and obtained as provided by law.

Such bonds shall not be sold nor exchanged for the evidence of said indebtedness of said city for less than par, and there shall be provided a sinking fund that will discharge said bonds as they shall become due. Said bonds shall express on their face that they may be paid at any time after five years at the pleasure of the city. A record shall be kept of all proceedings hereunder; provided, that nothing herein contained shall be construed to authorize an increase of the bonded indebtedness of said city beyond the amount authorized by law. Notwithstanding the limitations of this and other laws of the state of West Virginia relating to the issue of bonds and other indebtedness, the city of Charleston is hereby authorized upon the affirmative vote of three-fifths of all the votes cast at an election held for said purpose to issue and sell bonds for the purpose of providing the necessary funds for purchasing the ground and erecting a new city building and jail, or a separate jail, a new central fire station or fire stations, buying or building bridges, water works, plants and other public utilities, and a city market or either or any of them.

The council of said city shall provide for the building of a city jail, and for that purpose may, if necessary, purchase the necessary land and shall lay such levy for the year one thousand nine hundred and nineteen in addition to all other levies authorized by law, as may be necessary for the purpose of constructing said city jail. The said city council shall also construct within the city of Charleston two public comfort stations, one of which shall be built in that part of Charleston lying east of Elk river, and one of which shall be built in that part of Charleston lying west of Elk river, which stations shall be constructed in a modern and sanitary manner, and council is authorized, if necessary, to purchase such real estate as may be needed for such purposes,

and the city council shall for the year one thousand nine hundred and twenty lay a sufficient levy, in addition to all other levies authorized by law, to build one of said comfort stations, and for the year one thousand nine hundred and twenty-one, in addition to all other levies authorized by law, lay a sufficient levy to build the other of said public comfort stations, and, in each case, do all things necessary and proper to carry out the general purpose hereby commanded; and in the event said council shall fail, neglect or refuse to lay said levies for the building of said city jail and public comfort stations as herein required, then any voter of said city may, by mandamus proceeding in any court having jurisdiction, compel the council to perform such duty; provided, that the council may, if it so desire, submit to the vote of the people by proper ordinance, the question of issuing bonds for the foregoing purposes, and in the event such bonds shall be authorized, then such levies shall not be made, and, provided, that no such sale of bonds shall be made so as to cause the total indebtedness of said city, for all purposes, to exceed in the aggregate five per centum on the value of the taxable property therein, as ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

Hospitals, Libraries, Etc.

Sec. 76. The council shall have the authority to erect, buy, sell and lease all buildings necessary for the use of the city government and to provide for and regulate the same, and to establish and maintain public hospitals, libraries and reading rooms, and to purchase books, papers and manuscripts therefor, and to receive donations, gifts or bequests for same in trust or otherwise.

Civil Service Board.

Sec. 77. For the purpose of making examinations of persons applying for offices or positions in the fire department, and prescribing rules for their conduct, the council shall appoint three discreet persons, who need not be members of council, who shall act and be known as a civil service board, and the city clerk shall be *ex-officio* clerk of said board.

The civil service board shall adopt rules for its own government

and cause the minutes of its meeting to be recorded in a book especially provided for that purpose, which shall be kept by the city clerk at his office, and open to public inspection. The civil service board, at least every six months in each year and oftener if it deems it necessary, after ten days' notice published in two daily newspapers of opposite politics, giving the time and place of meeting, shall hold examinations for the purpose of determining the fitness and qualifications of applicants for offices and positions in the fire department, which examinations shall be practicable and shall fairly test the fitness of the person examined to discharge the duties of the position to which they seek appointment and such examinations shall be made with the aim to secure and maintain an honest and efficient fire department. Said board shall at once, after each of said examinations, place on record in the journal of the civil service board the results of said examination, giving the name of applicants and the position sought by them and their respective percentages. In making such examination the size, weight, intelligence, health, physical appearance, habits and moral standing and surroundings shall be taken into consideration.

All persons examined by said service board receiving a general average of seventy per cent, shall be placed upon an eligible list, and thereafter all appointments, whether original or to fill vacancies therein from time to time, shall be filled by the appointment of the applicant who has the highest standing on the eligible list; *provided,* if at the time any appointment is to be made from the eligible list, the civil service board, in its discretion, may make another examination of such person before his appointment and may for good cause on such examination change the grade of such applicant.

Sec. 78. The members of the fire department under and by virtue of the ordinance and regulations adopted in pursuance of the provisions of the charter of the city of Charleston as it was on January 1, 1915, now in office in the city of Charleston shall remain in office during good behavior and shall not be removed from their said offices or positions except for misconduct, or failure, inability or incapacity to perform their duties or for the good of the service, or when it shall be necessary to reduce the number in the department; *provided,* that the first mayor elected under this act may, within sixty days after qualifying as such, remove any member of the fire department now in office if he shall be of opinion that it will be for the good of the service to remove such person from his position.

All persons appointed to positions in the fire department, except

the chief thereof, shall be appointed in the manner provided in section seventy-seven.

Sec. 79. No member of the fire department or police department shall actively engage in any primary election, convention or election in which any officer in the city, county or state is to be nominated or elected, nor shall such member, directly or indirectly, give or offer to give, contribute or offer to contribute, any money or thing of value or profit to any political committee or party organization to be expended in behalf of any political party, nor to any candidate or candidates for nomination for or election to any office in the city, county or state. The violation of any of the provisions of this section by any member of the fire department or police department shall be deemed misconduct in office. Any member of the fire department or police department guilty of misconduct, shall be dismissed from the service of the city by the head of his department or by council, upon charges preferred and proven by any citizen of said city.

Sec. 80. The council shall hear and determine all charges against any officer of, or person holding a position in the fire department, after ten days' written notice to the accused of the charges preferred against him, and of the time and place of hearing of said charges and an opportunity shall be given to the accused to be heard. After hearing said charges the council may, by a majority vote of its members sustain the same, and by like vote may reprimand, fine or suspend, dismiss or reinstate said accused person. Upon the making of such charges, and pending trial thereon, the chief of the fire department, when the provocation is great, may suspend the accused officer, and if he be thereafter found guilty on the charges preferred, and by reason thereof dismissed, or suspended, he shall draw no salary during the period of his suspension.

Serving Notice.

Sec. 81. When any notice is required to be given, or any summons, warrant or other process is required to be served or otherwise executed, under the provisions of this act, it shall be sufficient if such notice, summons, warrant, or other process be executed by an officer of the police department of said city in the same way or manner in which the laws of the state prescribe for executing summonses and subpoenas by state officers, unless othewise provided by this act.

Sec. 82. The first election hereunder shall be held on the third Monday in April, one thousand nine hundred and fifteen, or in the

event this act does not take effect in time, it shall be held at the time hereinbefore provided, and the officers then elected shall begin their terms on the first day of May, one thousand nine hundred and fifteen, or as hereinbefore provided, and thereafter all elections, except special elections, shall be held on the third Monday of April, in every second year thereafter; and the terms of office of the persons so elected shall begin on the first day of May next after such election. The term of office of all the officers of the city now in office, heretofore elected or appointed, are hereby extended and continued till the first day of May, one thousand nine hundred and fifteen, and until their successors, under the provisions of this act, shall be elected and qualified. The council shall be a canvassing board to ascertain and declare the result of the election, to determine and settle ties as herein provided for, and to hear and determine all contests. The council shall assemble in special session on the day fixed by law to canvass the result of any election; and all the powers concerning elections, given to the county court by general law, are hereby vested in the council, except as hereinbefore provided. Whenever one or more members of the council shall be a candidate for re-election, it shall be the duty of council to meet and appoint some person or persons, qualified to act on the canvassing board, to serve as such in the appointment of election officers and in canvassing and declaring the results of any election and hearing contested election matters and cases. The place and stead of such disqualified member or members shall be filled in each case by a member or members of the same political party as the person or persons respectively, in whose place or places he or they are so appointed. Every person so appointed shall take an oath of office to faithfully and impartially perform the duties of said office. In all matters concerning said election thereafter and the canvassing and declaring the results thereof and the hearing of contests in relation thereto, such person or persons so appointed shall act in the place and stead of such member or members, so being candidates, and it shall be unlawful for any member of the council to act as such in the appointment of election officers or in ascertaining and declaring the result of any election, in hearing any contest in relation thereto, when such member is a candidate at such election; and any one violating this section shall be deemed ineligible to the office for which he is a candidate.

Sec. 83. The city clerk, acting under state laws insofar as they are not in conflict with this act, shall perform such duties relating

to all municipal elections held under the municipal authorities of said city as the clerks of the county and circuit courts of Kanawha county perform, under state laws in relation to state, county and district elections in said county; and he shall likewise be the custodian of all ballots, tally sheets, etc., pertaining to all municipal elections.

Existing Officers and Ordinances.

Sec. 84. The mayor, board of affairs, common council and all other officers, agents and employees of the city of Charleston shall remain in and hold their offices and discharge the duties thereof until the first day of May, one thousand nine hundred and fifteen, and thereafter until their successors are elected and qualified as provided by this act, and all existing offices not provided for by this act, shall be abolished as of the first day of May, one thousand nine hundred and fifteen, or as soon thereafter as this act shall take effect.

All valid ordinances and regulations passed and adopted by the council, or by the board of affairs and council on or before the first day of May, one thousand nine hundred and fifteen, and not inconsistent with this act, shall be and remain in force unless and until repealed, and the council now in office shall continue to exercise its powers as such until the officers elected in one thousand nine hundred and fifteen shall have been qualified.

Sec. 85. The mayor shall appoint such number of policemen as are or may be hereafter prescribed by the city council by ordinance, and the mayor shall have at his discretion, the absolute right and power to dismiss any policeman and appoint another in his stead. The policemen shall be under the command of the mayor and the chief of police, to be appointed as in this act provided for, and shall perform any and all the duties incident to the office of policemen under the instructions and command of the mayor and the chief of police, and, in addition to the usual and customary duties prescribed by the laws of this state and under the provisions of this charter required of them, it shall specially be the duty of each police officer to report to the chief of police, or some one designated by said chief of police to receive such report, daily and oftener if occasion demands, the condition of all streets, sidewalks, alleys, basements, backyards, buildings, unimproved lots and all other things and matters within the limits of said city that may come under the notice of such policemen which may relate to the health of the citizens thereof, the sanitary conditions, the necessity of the removal of any obstructions upon

any of the streets, alleys or sidewalks, and it shall be the duty of the policemen under their instructions to perform all the duties and exercise all the powers ordinarily imposed upon or given to the officers now known as health officers. It shall also be the duty of each police officer to perform all the duties of humane officer and to exercise all the functions, power and authority relating thereto which are or may be prescribed by any law of this state or ordinance of the city.

Sec. 86. Each member of the city council shall be paid during his term of office the sum of two dollars and fifty cents for each meeting of the council that he shall attend; *provided,* that the aggregate amount to be paid to each member of the council shall not exceed the sum of one hundred dollars per annum. The roll of the members of the council shall be called at the beginning and at the end of each meeting thereof, and those members only who answer in person at each roll call shall be entitled to receive their pay for such meeting. The names of those members present at each roll call shall be entered upon the record. If there should not be a quorum present at the first roll call and the meeting be adjourned for that reason, then it shall not be a meeting that will entitle those present to the payment of the sum of two dollars and fifty cents as provided in this section. It shall be the duty of all councilmen to attend all of its meetings, and if any councilman shall be absent from the meetings of council as shown by its record for three consecutive meetings, then his office shall *ipso facto* become vacant unless the council shall authorize or excuse such absence. If the office of any councilman shall become vacant under the provisions of this section, then the council shall proceed to fill the same as it is authorized to do in the case of vacancies.

Sec. 87. It shall be the duty of the manager, not later than the tenth day of any month after his appointment, to make a detailed report to the council for the preceding month. Such report shall show under distinct heads, first, the names and salaries of all employees under the control and supervision of the manager; second, all expenditures or disbursements in the several departments under the supervision of the manager; third, an itemized statement of all purchases, together with the cost thereof, for each and every such department; fourth, all such other matters and things as the council may by proper ordinance or resolution require of said manager. Such report shall be entered of record in the minutes of the council and be a public record, open to the inspection of all persons. All officers or employees in any of the departments under the supervision

of the manager shall, whenever required by said manager, make full and complete reports of all things done by them as such officers or employees in connection with the business of the city.

Sec. 88. In addition to the method provided for paving streets, by section sixty-one of the charter of the city of Charleston, the council may order any block, street, avenue or alley to be paved or otherwise permanently improved, and the council may order the mayor and city clerk to issue to the contractor doing the paving, or other permanent improvement, a certificate for each installment of the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such street, avenue or alley, and the amount specified in said assessment certificate shall be a lien as aforesaid in the hands of the holder thereof upon the lot or part of a lot fronting on such street, avenue or alley and such certificate shall draw interest from the date of said assessment and the payment may be enforced in the name of the holder of said such certificate by proper suit in equity in any court having proper jurisdiction to enforce such lien, and the council shall fix the amount of such assessment, advertise for bids and do all other things in connection therewith as is provided for paving or permanently improving any street or alley or any portion thereof in section sixty-one, and such certificates shall be issued in the same number of installments and payable at the same time as other paving or permanent improvements are provided to be paid for and shall be a lien in the hands of the holder thereof upon the particular lot against which they are assessed in the same way and manner that assessments are liens under section sixty-one of said charter.

Such certificates as may be issued pursuant to the foregoing section shall contain a provision to the effect that in the event of default in the payment of any one of said certificates, when due, and said default shall continue for a period of sixty (60) days, then all unpaid certificates shall become due and payable and the holder of said certificates may proceed to collect all of such unpaid certificates in the manner hereinbefore provided.

Provided, that no street, avenue or alley shall be paved or otherwise permanently improved pursuant to this section except and unless two-thirds of all the members elected to council shall concur therein.

Initiative, Referendum and Recall.

Sec. 89. Any proposed ordinance, or amendment to any ordinance already in effect, may be submitted to the city council by the petition of qualified voters in said city, but such petition must be signed by such number of voters as shall amount to at least ten per cent of the number of votes cast for the office of mayor at the last preceding municipal election. Such proposed ordinance, or amendment to an ordinance, shall be passed without alteration or change by the city council within thirty days after such petition is filed, or the city council shall, in lieu of passing such ordinance or amendment to an ordinance, submit such proposed ordinance, or amendment to an ordinance, in the manner hereinafter prescribed for ratification or rejection to the qualified voters of the city at the next regular municipal election which is to be held not less than sixty days after such petition is filed. If such petition contains a request for a special election and is signed by sufficient qualified voters to equal in number at least fifteen per cent of the vote so cast for the office of mayor at the last preceding regular municipal election, the ordinance or amendment thereby proposed shall be passed by the city council without amendment or change, within thirty days after such petition is filed, or the city council shall submit such proposed ordinance or amendment for ratification or rejection to the qualified voters at a special election which shall be called within thirty days and held not less than sixty nor more than ninety days after such petition is filed, unless a general or special election is fixed by law to be held within said period of time. In the latter event, said proposed ordinance or amendment shall be submitted far ratification or rejection at such election. The city council shall cause such proposed ordinance or amendment to be printed and published in some newspaper of general circulation in the city once each week from the time the council decides to submit the same to the voters until such election is held. No ordinance or amendment to an ordinance adopted by the voters at any such election shall be repealed or amended by the city council.

The ballot used for any such election shall have printed on it the title of each ordinance, or amendment to an ordinance, submitted for ratification or rejection and on separate lines under said title the words "for said ordinance" and "against said ordinance" (or the amended part thereof, as the case may be). If a majority of the qualified voters of the city voting on any proposed ordinance, shall vote in favor thereof, the same shall thereupon become a valid ordi-

nance and be in full force and effect at the expiration of the period of ten days from and after said election. If two or more ordinances, or amendments to ordinances, adopted at the same election are inconsistent, then the respective ordinance, or amendment to an ordinance, receiving the largest affirmative vote at such election shall prevail, and the form of submission of inconsistent ordinances, or parts thereof, or amendments to ordinances, shall be in such form that the voters may clearly express their choice.

Sec. 90. No ordinance passed by the city council shall take effect until the expiration of thirty days after its final passage and one publication thereof in some newspaper printed and circulated in said city, except an ordinance calling a special election or necessary for the immediate preservation of the public health or public safety. If within said period of thirty days a petition signed by sufficient qualified voters of said city, being in number at least fifteen per cent of the votes cast for all the candidates for the office of mayor at the last preceding regular municipal election, shall be filed protesting against such ordinance, or any part thereof, taking effect, such ordinance, or such part thereof so protested against, shall thereupon and thereby be suspended from taking effect, and the city council shall immediately again consider the same, and if it be not repealed or so amended as to meet the requirements of the said protest, the city council shall submit the same for ratification or rejection to the qualified voters of the city at the next regular municipal election which shall be held not more than thirty days after such petition is filed, or at a special election to be called thereafter by the city council for that purpose to be held in not less than sixty days nor more than ninety days after such petition is filed, and such ordinance, or part thereof so protested, shall not take effect unless a majority of the votes cast at such election thereon shall be for the ratification thereof. If such petition shall only be signed by sufficient qualified voters to equal in number at least five per cent but not sufficient to equal in number at least fifteen per cent of the votes cast for the candidates for said office of mayor at the last preceding municipal election, the city council shall submit such ordinance, or such part thereof so protested, for ratification or rejection at the next ensuing regular municipal election which is to be held more than thirty days after such petition is filed. The city council may, on its own motion without any petition being required therefor, submit at a regular or special municipal election any ordinance passed by it in the same manner

and with the same force and effect as hereinbefore provided. No ordinance, or part of an ordinance, rejected at any election shall be enacted or passed by the city council within the period of twelve months thereafter.

Sec. 91. Any officer of the city of Charleston elected by the voters under the provisions of this act, may be recalled and the office declared vacant as provided in this act. Such officer may be removed from office by a recall election held thereunder, but no such officer shall be removed from office within the period of four months after he enters upon the discharge of his duties as such. Before any such recall election shall be held a petition, stating the name or names and the office or the officer or officers sought to be recalled, and signed by sufficient qualified voters of the said city as shall equal in number the quantity of twenty-five per cent of the votes cast in the whole city or in the ward, as the case may be, for all the candidates for the office of mayor at the last preceding regular municipal election, and containing a sworn statement of the grounds upon which it is sought to remove the said officer or officers, shall be filed with the city clerk. No such petition shall be filed within the period of six months before the end of the term of such officer. The city council shall immediately, upon the filing of said petition, call a special election in the manner in this act provided for calling special elections and submit to the voters the question of recalling such officer or officers. The ballot at such election, with respect to each person whose recall is sought, shall be substantially as follows: "Shall (name of person) be removed from the office of (name of office) by recall." Immediately following such question there shall be on the printed ballot the two propositions in the order set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of said proposition shall be printed a square in which the voter, by making a cross mark (X), or in some other way declaring their intention, may vote for either of such propositions. If sixty per cent of the qualified voters voting on said propositions vote in favor of the recall of such officer or officers, then he or they shall thereby be forthwith removed from such office and such vacancy or vacancies shall be filled as provided in this act; *provided, however,* that within fifteen days after the returns of such recall election shall have been canvassed by the city council, a petition signed by sufficient qualified voters to equal in number at least thirty

per cent of the votes cast in the city, or ward, as the case may be, for the candidates for the office of mayor at the last preceding regular municipal election, and praying that such vacancy or vacancies be filled by a special election to be held not less than thirty days nor more than forty-five days thereafter, the city council shall order a special election to be held in the same manner as other special elections are provided for in this act for the purpose of filling such vacancy or vacancies.

Sec. 92. The signatures to petitions filed under the provisions of the last three sections need not be all on one paper or one sheet of paper, but separate petitions may be circulated and signed and the aggregate number of names on all of such petitions, if equal to the number required in this act, shall be sufficient. The circulator of each such paper shall make and append thereto an affidavit that each signature thereon is the signature of the person whose name it purports to be. The residence address of each signer shall accompany the signature. All such petitions shall be filed with the city clerk and shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers and such signers shall be deemed and held to be qualified voters, unless a protest in writing, under oath, shall be filed with the city clerk by some qualified voter within five days after such petitions are filed, which protest shall set forth the name of each signer protested against and the ground therefor. It shall be the duty of the city clerk as soon as possible and within twenty-four hours after the filing of such protest to mail a notice to each signer so protested against at his address as given in the petition, requiring him to be and appear before the city registrars at a time fixed in said notice, not less than twenty-four hours nor more than forty-eight hours after the mailing of such notice, for the purpose of defending his right to sign said petition. If it shall be proven by satisfactory evidence that such person is not a qualified signer of such petition, then his name shall be stricken therefrom. All evidence taken shall be under oath, and any signer present at the hearing may be called as a witness by the protestant or testify in his own behalf. All hearings shall be summary and shall be concluded within fifteen days after such petition is filed. The city registrars shall forthwith certify the result of their examination to the city clerk and such city clerk shall serve a copy of such certificate upon the person or persons named in the petitiion as representing the signers thereof. In the event the petition shall be insufficient under the provisions of this act it may be withdrawn by the person or persons named

therein as representing the signers thereof and may within fifteen days thereafter be amended and added to and refiled as an original petition. When the petition contains a sufficient number of qualified signatures the city registrars shall forthwith file the same with the city clerk, and he shall transmit the same to the city council, which shall call an election as provided for in the three preceding sections of this act. All petitions filed in the city clerk's office shall be public records. When any petition contains a form of submission of the ordinance petitioned for and such form is a reasonably fair description thereof, the same shall be placed on the ballot and no petition filed subsequently shall be permitted to use any form of submission that is so similar to the one previously filed as to tend to confuse the voter, and, in case of such conflict, the person presenting the subsequent petition may file a form of submission which shall be placed upon the ballot, provided the same shall fairly describe the ordinance, or amendment to an ordinance, petitioned for and shall not be in conflict with any prior forms of submission or tend to confuse the voter.

The city council shall so frame all forms of submission that the voter can, by making a cross in a square in front of some appropriate words, vote either for the ratification or the rejection of the proposed measure, but no ballot shall be rejected from which the reasonable intention of the voter, however he shall have marked the same, can be ascertained. All city elections, regular or special, shall conform as nearly as possible to the election statutes contained in chapter three of the code of West Virginia.

Sec. 93. In addition to the method of securing the laying of sidewalks set out in section forty-nine of this chapter, the council of said city may cause any sidewalk to be constructed, laid, relaid, or otherwise permanently improved in the city of Charleston in the following manner and upon the following terms: Notice shall first be given the abutting property owners by publication in two newspapers of opposite politics by giving location, estimated frontage and depth, but no error in said publication shall in any way effect the validity of the certificates hereinafter provided for, or any of them. The contract for same shall, after due advertisement in which council shall reserve the right to reject any and all bids, be let to the lowest responsible bidder and upon completion and acceptance of the work, council shall order the mayor and city clerk to issue to the contractor doing the work a certificate for the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such side-

walk, and the amount specified in said assessment certificate shall be a lien in the hands of the holder thereof upon the lot or part of a lot fronting on such sidewalk and such certificate shall draw interest from the date of said assessment, and the payment may be enforced in the name of the holder of such certificate by a proper suit in equity in any court having proper jurisdiction to enforce such liens, and council shall fix the amount of such assessments and do all things in connection therewith necessary to make them valid and do all other things in connection therewith as is provided for paving or improving streets and alleys and such certificates shall be issued one for each abutting lot or portion thereof payable six months from the date of the completion and acceptance of the work and shall be a lien in the hands of the holder thereof upon the particular lot against which they are assessed in the same way and manner that assessments for street paving liens under the other provisions of the aforesaid act creating and amending the charter of the city of Charleston; provided, however, that council shall not order any but concrete sidewalks; and, provided, further, that council shall not advertise for bids for any one letting of less than five thousand square feet; and, further provided, that council shall not receive any bids or let any sidewalk contract between the first day of October and the first day of March of any years. Nothing in this section shall be so construed as to prevent any abutting lot owner from having his own sidewalk put in if done before the advertising hereinbefore mentioned and provided same is done according to the lines, grades and specifications of the city engineer, for which no charge shall be made. The total cost of constructing, laying, relaying, or otherwise permanently improving any sidewalk or walks shall be borne by the owners of the land abutting upon said sidewalk or sidewalks according to the following plan, that is to say, payment is to be made according to the proportion of square feet in front of any lot or portion thereof bears to the whole letting. The contract for sidewalks referred to in this section does not necessarily have to be one continuous sidewalk, but the five thousand square feet required for a letting as aforesaid may be made up of or composed of any number of sidewalks in any parts of the city.

Sec. 93-a. The county assessor shall furnish transcript of real and personal property on or about the tenth day of Septem-

ber of each year and his fee for same shall be not less than four hundred nor more than seven hundred dollars for such work.

Sec. 94. The police judge, mayor and city clerk shall each have authority to issue process for all offenses committed within the police jurisdiction of the city of Charleston for all violations of any city ordinances. Any vacancy in the office of police judge shall be filled by appointment by the mayor until the next election.

Sec. 95. No ordinance passed by the city council shall take effect until five days after its final passage and one publication of the caption or title thereof only shall be made during said five days in some daily newspaper printed and circulated in said city, except an ordinance necessary for the immediate preservation of the public health or public safety. Such caption of title shall distinctly state the full purport of the ordinance so passed and printed.

Sec. 96. The health commissioner shall be a physician of good standing in his profession and shall devote his time to city work alone. It shall be his duty to administer to all charity cases that he may, in his discretion, deem deserving. He shall in conjunction with the city manager, have charge of the general health and sanitation of the city and it shall be his duty to carefully investigate all complaints and make a careful detailed report of all his official acts as health commissioner to the city manager and council at least once every month. He shall be appointed in the way and manner provided in the charter of the city of Charleston and shall receive such salary as council may by ordinance prescribe. Nothing herein, however, shall be construed as in any way affecting the police officers of the city relative to their powers and duties in regard to city sanitation contained and set forth elsewhere in said charter.

Sec. 97, It shall be the duty of the mayor to appoint a reputable woman who shall be known as police matron, and such police matron shall have all the qualifications and be subject to all the provisions of chapter eighteen of the acts of the legislature of one thousand nine hundred and eleven. The council of the city of Charleston shall provide a reasonable salary not to exceed twelve hundred dollars therefor and do all of the things required by the council under the provisions of said chapter eighteen of the acts of the legislature of one thousand nine hundred and eleven and any amendments thereto.

Sec. 98. The city council shall cause any contract for the codifying and indexing of all the ordinances of the city to be fully completed, and such ordinances shall include all in force and effect up to the last day possible. Before such work is accepted by the council, it shall be completed in every respect and the council shall then cause it to be properly printed and securely bound in a permanent book. The council may by ordinance adopt the code to be prepared as a whole and when said ordinance adopting said code shall have been passed by the council the said code shall be and become the law and ordinances of said city up to such time according to the tenor and effect thereof, and when printed in a book, the same shall be received as evidence as the ordinances of said city, unless errors or omissions be affirmatively shown therein, and no other publication thereof shall be made or required under the charter, and the council shall cause all the ordinances of said city, either by printing a supplement thereof, to be brought up to date within a reasonable time after the printing of such ordinances, and in any event such supplement shall be printed, or, if necessary, a new copy of the ordinances shall be printed within every four years, and the council shall cause a sufficient number of said books of the ordinances to be printed and to sell such number thereof as it may do so at such price as may be reasonable, and the number of books printed shall be fixed by the council.

Sec. 99. It shall be the duty of the city of Charleston to provide suitable and proper places for the burial of the dead, which places may be in or out of the corporate limits of the said city. The city shall cause such places to be laid off into cemetery lots in a reasonable and proper way and shall sell said lots for a reasonable price, but it may take into consideration the location of each of such lots in fixing the prices thereof. The city council shall have all the powers and rights of condemnation of any real estate that it may wish for such purpose in the manner provided by law, and it may require by means of condemnation any real estate which has already been laid out as a cemetery by any person, association or corporation.

No burials of the bodies of deceased persons shall hereafter be permitted within the incorporated limits of the city of Charleston or within the space of one mile of such incorporated limits without the permission of said city shall be first had and obtained, and the city of Charleston, through its proper authorities,

shall have power to pass all proper ordinances providing suitable penalties to carry out the powers here given said city.

No moneys received from the sale of lots in any cemetery so owned, or hereafter owned, by said city shall be used for any other purpose than the proper care and preparation of the ground, upkeep and expenses of said cemetery, the roads and ways to and through the same and for the purchase of additional property for cemetery purposes. Provided, however, that nothing herein contained shall in anywise affect any person, firm or corporation now lawfully engaged in the sale of cemetery lots, unless such property be acquired by the city through purchase or condemnation.

Sec. 100. The building inspector shall be a competent person for the duties of his office and shall devote all his time to city work. He shall not be engaged or interested in the building business in any way or manner. The council shall by ordinance fix a proper salary for him. He shall see that the ordinances of the city and laws of the state concerning buildings are enforced and perform such other duties as the manager or council may direct.

Sec. 101. The council shall have power to buy, sell or exchange any real estate found necessary or convenient, in the opening, construction, straightening, widening, or otherwise altering of any street, alley or public way within the city, and by resolution and proper deed to convey to any person, firm or corporation any land used, or heretofore or hereafter used, for street or other public purpose, when in the judgment of the council such land shall no longer be needed for such public use.

INDEX

	Section
Action for damages	72
Advertising	7
Alleys	7
Appeals	44
Papers	44
Appointment of officers	35
Assessor, county	93-a
Authority of city	6-7
Auditing	18
Ballots, how prepared	12
Commissioner	83
Bail, how given	46
Bonds, refunding	75
Bonds, of officers	25
By whom taken	25
Issue of	60-74
Where deposited	25
Boundary of wards	3
Of city	2
Bribery	32
Bridges	6-7-59-75
City may own	59
Building regulations	7
Inspector	35-100
Burial of dead	99
Candidates, nomination of	10
Qualifications of	4
Capitation Tax	51
Cemetery	99
City building	7
Records to be kept	20
City jail	75
City clerk, appointment of	35
Copy register of voters	9

Clerk of council 28
Police judge 45
May take bond 45
Bond of 25
Certify assessment 61
Civil Service Board 77
As to elections 83
City collector, appointment of 5
Bond of 25
Duties of 52
To collect claims 53
City elections 7
City funds, where deposited 58
City solicitor 35
Duties of 35
Salary of 35
Civil Service Board 77-78
City code 42-98
Comfort stations 75
Commissioners of Election 11
Committees, appointment of 39
Commitment of prisoners 44
Term of 44
Contempts 33
Corporation limits 2
Corporate powers 6-7
Councilmen, number of 13
Term of office 35
Qualifications 13
Bribery of 32
Salary of 86
Vacation of office 13-19
Council, power of 6-7-13-17-101
Meetings of 20
Special meetings 22
Minutes of 20-28
To meet at city building 20
May order sanitation 47
Regulate sidewalks 49-93
Provide for paving 60-61-69
Provide for sewers 62

Hear charges against officers 80
Canvassing board 23-82
How vacated 86
May not act while candidate 82
Damages, suits for 72
Dogs, taxes on 7-51
Domain, eminent 7
Elections, time and place of holding 82
Contested 23
Precincts 3
Canvassing board 82
Oaths of commissioners 83
City clerk 83
Iniative, referendum 89-90
Conform to state laws 92
Electric wiring 7
Eminent domain 7
Failure to qualify 7
Ferries 7
Finance 18
Fines 35-44
Fire department 7
Chief of 35
Civil Service 77-78
Mayor may remove 77
Appointment of 78
Members at elections 79
Stations for 75
Fires, prevention of 7
Fireworks, use and sale 7
Franchise, how granted 37
Value of 37
Votes to pass 37
Publication of 38
Gaming 7
Gas works, city may own 7
Health commissioner 96
Hospitals, city may establish 76
Improvements, cost of 71
Initiative 89
Inspection of building 7

Interments 99
Jail, establishment of 7-75
Levy, how laid 50
Limitations of 50-53
Libraries, city may establish 76
Licenses, vehicles and dogs 51
Lien for taxes, how enforced 55
Manager, appointment of 35-36
Salary of 36
Employ assistants 35-36
duties of 36-47-48
Report of 87
Mayor, duties of 15-30-35-97
Sign minutes 28
To make appointments 19
Vacancy in office 31
Salary of 35
Eligibility for re-election 35
May vote, when 15
Municipal authorities 4-5
Municipal ownership 7-59-75
Name of corporation 1
Nomination of candidates 10
Nuisances 47
Notices, how served 64-81
Oaths of officers 24
Officers, how appointed 19
How removed 19
Bonds of 25
Not to be absent 34
Qualifications of 4
Conservator of peace 33
Charges against 80
Terms of 35
Ordinances, council may pass 17
Auditing 19
Granting franchise 37-38
Style of 39
How passed 41
On record 42
Signed by mayor 42

Code of 42-98
What in effect 84
To take effect 95
How construed 73
Paving certificates 88
Paving, how done 60-61-63-88
Who pays for 60-63
For intersections 61-65
Materials for 67-68
Along public property 70
Police, chief of 35
Report nuisances 47
How appointed 35-85
How discharged 85
Duties of 85
Humane officers 85
Police judge 35
Powers and duties 35-44-45
Police matron 97
Precinct lines 3
President pro-tem 15
Prisoners on streets 44
Process 95
Property books 93-a
Qualifications of voters 8
Of officers 4
Quorum 26
Real estate 7-101
Recall 91-93
Record 20
Referendum, on ordinances 89-90
On franchise 38
Registration of voters 8-9-75
Registrars 9
Rules ..... pages 2 & 3 and 20
Re-paving 65
Sewers, owners to connect 62
How provided for 62-69
Assessment for 62-63-64
Resolution for 63
Sidewalks 49-93

Taxes, assessment of 67
Levy of 50-51
Collection of 52
Tickets, how divided 52
In what paid 52
Property liable for 54
Property exempt 57
Treasurer, election of 35
Bond of 25
Duties of 58
Vacancies, how filled 31
Voters, qualifications of 8
Vote, how taken 27
Warrants, by whom issued 44
Ward boundaries 3
Witnesses 33

3 0112 098432799